THE INDIA ACTS

AND

THE MADRAS ACTS.

1932.

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for the cancellation or revision of the assessment, and the Income-tax Officer shall, after examining any accounts and documents and hearing any evidence which the assessee may produce, and such other evidence as the Income-tax Officer may require, determine, by order in writing, the amount of the tax, if any, payable by the assessee, and such determination shall be final:

Provided that, if any assessee making such application files therewith a return of his income under sub-section (2) of section 22 of the Indian Income-tax Act, 1922, the application shall be deemed to be a return under that sub-section and shall be dealt with accordingly.

3. A copy of an order under paragraph 2 shall be served on the assessee to whom it relates and shall be deemed to be a notice of demand under section 29 of the Indian Income-tax Act, 1922.

4. The above procedure shall apply also to the assessment and collection during the financial year 1932-33 of incomes of Rs. 1,000 and upward and less than Rs. 2,000 which have escaped assessment in the financial year 1931-32."

THE WIRE AND WIRE NAIL INDUSTRY (PROTECTION) ACT, 1932.

ACT NO. V OF 1932.

[*5th March,* 1932.

An Act to provide for the fostering and development of the wire and wire nail industry in British India.

WHEREAS it is expedient, in pursuance of the policy of discriminating protection of industries in British India with due regard to the well-being of the community, to provide for the fostering and development of the wire and wire nail industry by increasing the import duty leviable, with certain exceptions, on wire and wire nails, for the period of two years; it is hereby enacted as follows:—

Short title.

1. This Act may be called THE WIRE AND WIRE NAIL INDUSTRY (PROTECTION) ACT, 1932.

Amendment of Schedule II, Act VIII of 1894.

2. (1) In Schedule II to the Indian Tariff Act, 1894, there shall be made the amendments specified in the Schedule to this Act.

(2) The amendments made by sub-section (1) shall have effect up to the 31st day of March, 1934.

Bar of operation of section 4, Indian Finance (Supplementary and Extending) Act, 1931.

3. Notwithstanding anything contained in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duty of customs imposed by that section shall not be levied or collected on iron or steel wire or wire nails comprised in item No. 149 of Schedule II of the Indian Tariff Act, 1894, as inserted by Item No. 2 of the Schedule to this Act.

THE SCHEDULE.

[See *Section* 2.]

Amendments to be made in Schedule II to the Indian Tariff Act, 1894.

1. In Item No. 61.—

(*a*) for the sub-item—

"IRON OR STEEL nails and washers, all sorts"

the following sub-item shall be substituted, namely:—

"IRON OR STEEL nails and washers, all sorts, not otherwise specified";

and

(*b*) for the sub-item—

"IRON OR STEEL wire, including fencing-wire and wire-rope but excluding wire-netting"

the following sub-item shall be substituted, namely:—

"IRON OR STEEL barbed or stranded fencing-wire and wire-rope."

2. In Part VII, after Item No. 148, the following item shall be inserted, namely:—

" 149	IRON OR STEEL—	
	(*a*) wire, other than barbed or stranded fencing-wire, wire-rope or wire-netting: and (*b*) wire nails.	Rs. 45 per ton."

THE BAMBOO PAPER INDUSTRY (PROTECTION) ACT, 1932.

ACT No. VI OF 1932.

[5*th March,* 1932.

An Act further to amend the law relating to the fostering and development of the bamboo paper industry in British India.

WHEREAS it is expedient further to amend the law relating to the fostering and development of the bamboo paper industry in British India; it is hereby enacted as follows:—

Short title.

1. This Act may be called THE BAMBOO PAPER INDUSTRY (PROTECTION) ACT, 1932.

Amendment of section 2, Act XXV of 1925.

2. In sub-section (2) of section 2 of the Bamboo Paper Industry (Protection) Act, 1925, for the figures "1932" the figures "1939" shall be substituted.

Amendment of section 2, Act XX of 1927.

3. In sub-section (2) of section 2 of the Bamboo Paper Industry (Protection) Act, 1927, for the figures "1932" the figures "1939" shall be substituted.

4. In Item No. 155 of Schedule II to the Indian Tariff Act, 1894, as enacted by the Bamboo Paper Industry (Protection) Act, 1927, for the figures and words "65 per cent." the figures and words "70 per cent." shall be substituted.

Amendment of Schedule II, Act VIII of 1894, and Schedule to Act XX of 1927.

5. (1) In Schedule II to the Indian Tariff Act, 1894,—

Amendment of Schedule II, Act VIII of 1894.

(*a*) for Item No. 10, the following shall be substituted, namely:—

"10 | RAGS and other paper-making materials, excluding wood pulp.";

and

(*b*) in Part VII, after Item No. 159, the following item shall be inserted, namely:—

"160	WOOD PULP	Ton	Rs. 45."

(2) The amendments made by sub-section (1) shall have effect up to the 31st day of March, 1939.

THE SALT ADDITIONAL IMPORT DUTY (EXTENDING) ACT, 1932.

ACT NO. VII OF 1932.

[31*st March*, 1932.

An Act to extend the operation of the Salt (Additional Import Duty) Act, 1931.

WHEREAS it is expedient to extend the operation of the Salt (Additional Import Duty) Act, 1931; it is hereby enacted as follows:—

1. This Act may be called THE SALT ADDITIONAL IMPORT DUTY (EXTENDING) ACT, 1932.

Short title.

2. In sub-section (3) of section 1 of the Salt (Additional Import Duty) Act, 1931 (hereinafter referred to as the said Act), for the figures "1932" the figures "1933" shall be substituted.

Amendment of section 1 Act XIV of 1931.

3. In section 3 of the said Act,—

Amendment of section 3, Act XIV of 1931.

(*a*) the existing section shall be numbered as sub-section (1), and

(*b*) the following sub-section shall be added, namely:—

"(2) Notwithstanding anything contained in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duty of customs imposed by that section shall not be levied or collected in respect of the additional duty of customs on salt imposed by sub-section (1)."

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) ACT, 1932.

ACT No. VIII OF 1932.

[5th *April*, 1932.

An Act to supplement the Bengal Criminal Law Amendment Act, 1930.

WHEREAS it is expedient to supplement the Bengal Criminal Law Amendment Act, 1930; it is hereby enacted as follows:—

Short title and duration.

1. This Act may be called THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) ACT, 1932.

It shall remain in force for a period not exceeding three years.

Power to order custody in jail outside Bengal.

2. The power of the Local Government under sub-section (1) of section 2 of the Bengal Criminal Law Amendment Act, 1930 (hereinafter referred to as the local Act, to direct by order in writing that any person shall be committed to custody in jail shall be deemed to include a power to direct, by order in writing made with the previous sanction of the Governor-General in Council, that such person shall be committed to custody in any jail in British India; and, for all or any of the purposes of the local Act, an order so made shall be deemed to be an order made under section 2 of that Act, and all the provisions of that Act shall apply accordingly:

Provided that the powers exercisable by the Local Government under section 11 of the local Act in respect of any person committed to custody in a jail outside Bengal, and under section 13 of that Act to provide for the manner of custody of any such person, shall be exercised by the Local Government of the province in which the jail is situated, and rules made by such Local Government in exercise of such powers shall be published in the local official Gazette.

Construction.

3. References to the local Act in sections 14 and 15 of that Act shall be deemed also to be references to the local Act as supplemented by this Act.

Bar of certain legal proceedings.

4. The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of any person arrested, committed to or detained in custody under the local Act or the local Act as supplemented by this Act.

Repeals.

5. Sections 4, 5 and 6 of the Bengal Criminal Law Amendment (Supplementary) Act, 1925, are hereby repealed.

THE INDIAN PARTNERSHIP ACT, 1932.

ACT No. IX OF 1932.

[8*th April*, 1932.

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CHAPTER I.

PRELIMINARY.

An Act to define and amend the law relating to partnership.

WHEREAS it is expedient to define and amend the law relating to partnership; it is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called THE INDIAN PARTNERSHIP ACT, 1932.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the 1st day of October, 1932, except section 69, which shall come into force on the 1st day of October, 1933.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) an "act of a firm" means any act or omission by all the partners, or by any partner or agent of the firm which gives rise to a right enforceable by or against the firm;

(*b*) "business" includes every trade, occupation and profession;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "third party" used in relation to a firm or to a partner therein means any person who is not a partner in the firm; and

(*e*) expressions used but not defined in this Act and defined in the Indian Contract Act, 1872, shall have the meanings assigned to them in that Act.

Application of provisions of Act IX of 1872.

3. The unrepealed provisions of the Indian Contract Act, 1872, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to firms.

CHAPTER II.

THE NATURE OF PARTNERSHIP.

Definition of "partnership", "partner", "firm" and "firm name".

4. "Partnership" is the relation between persons who have agreed to share the profits of a business carried on by all or any of them acting for all.

Persons who have entered into partnership with one another are called individually "partners" and collectively "a firm", and the name under which their business is carried on is called the "firm name".

Partnership not created by status.

5. The relation of partnership arises from contract and not from status;

and, in particular, the members of a Hindu undivided family carrying on a family business as such, or a Burmese Buddhist husband and wife carrying on business as such are not partners in such business.

Mode of determining existence of partnership.

6. In determining whether a group of persons is or is not a firm, or whether a person is or is not a partner in a firm, regard shall be had to the real relation between the parties, as shown by all relevant facts taken together.

Explanation 1.—The sharing of profits or of gross returns arising from property by persons holding a joint or common interest in that property does not of itself make such persons partners.

Explanation 2.—The receipt by a person of a share of the profits of a business, or of a payment contingent upon the earning of profits or varying with the profits earned by a business, does not of itself make him a partner with the persons carrying on the business;

and, in particular, the receipt of such share or payment—

(*a*) by a lender of money to persons engaged or about to enagage in any business,

(*b*) by a servant or agent as remuneration,

(*c*) by the widow or child of a deceased partner, as annuity, or

(*d*) by a previous owner or part owner of the business, as consideration for the sale of the goodwill or share thereof, does not of itself make the receiver a partner with the persons carrying on the business.

Partnership at will.

7. Where no provision is made by contract between the partners for the duration of their partnership, or for the determination of their partnership, the partnership is "partnership at will".

Particular partnership.

8. A person may become a partner with another person in particular adventures or undertakings.

CHAPTER III.

RELATIONS OF PARTNERS TO ONE ANOTHER.

General duties of partners.

9. Partners are bound to carry on the business of the firm to the greatest common advantage, to be just and faithful to each other, and to render true accounts and full information of all things affecting the firm to any partner or his legal representative.

Duty to indemnify for loss caused by fraud.

10. Every partner shall indemnify the firm for any loss caused to it by his fraud in the conduct of the business of the firm.

Determination of rights and duties of partners by contract between the partners.

11. (1) Subject to the provisions of this Act, the mutual rights and duties of the partners of a firm may be determined by contract between the partners, and such contract may be express or may be implied by a course of dealing.

Such contract may be varied by consent of all the partners, and such consent may be express or may be implied by a course of dealing.

Agreements in restraint of trade.

(2) Notwithstanding anything contained in section 27 of the Indian Contract Act, 1872, such contracts may provide that a partner shall not carry on any business other than that of the firm while he is a partner.

The conduct of the business.

12. Subject to contract between the partners—

(*a*) every partner has a right to take part in the conduct of the business;

(*b*) every partner is bound to attend diligently to his duties in the conduct of the business;

(*c*) any difference arising as to ordinary matters connected with the business may be decided by a majority of the partners, and every partner shall have the right to express his opinion before the matter is decided, but no change may be made in the nature of the business without the consent of all the partners; and

(*d*) every partner has a right to have access to and to inspect and copy any of the books of the firm.

Mutual rights and liabilities.

13. Subject to contract between the partners—

(*a*) a partner is not entitled to receive remuneration for taking part in the conduct of the business;

(*b*) the partners are entitled to share equally in the profits earned, and shall contribute equally to the losses sustained by the firm;

(*c*) where a partner is entitled to interest on the capital subscribed by him such interest shall be payable only out of profits;

(*d*) a partner making, for the purposes of the business, any payment or advance beyond the amount of capital he has agreed to subscribe, is entitled to interest thereon at the rate of six per cent. per annum;

(*e*) the firm shall indemnify a partner in respect of payments made and liabilities incurred by him—

(*i*) in the ordinary and proper conduct of the business, and

(*ii*) in doing such act, in an emergency, for the purpose of protecting the firm from loss, as would be done by a person of ordinary prudence, in his own case, under similar circumstances; and

(*f*) a partner shall indemnify the firm for any loss caused to it by his wilful neglect in the conduct of the business of the firm.

The property of the firm.

14. Subject to contract between the partners, the property of the firm includes all property and rights and interests in property originally brought into the stock of the firm, or acquired, by purchase or otherwise, by or for the firm, or for the purposes and in the course of the business of the firm, and includes also the goodwill of the business.

Unless the contrary intention appears, property and rights and interests in property acquired with money belonging to the firm are deemed to have been acquired for the firm.

Application of the property of the firm.

15. Subject to contract between the partners, the property of the firm shall be held and used by the partners exclusively for the purposes of the business.

Personal profits earned by partners.

16. Subject to contract between the partners,—

(*a*) if a partner derives any profit for himself from any transaction of the firm, or from the use of the property or business connection of the firm or the firm name, he hall account for that profit and pay it to the firm;

(*b*) if a partner carries on any business of the same nature as and competing with that of the firm, he shall account for and pay to the firm all profits made by him in that business.

17. Subject to contract between the partners,—

Rights and duties of partners after a change in the firm,

(*a*) where a change occurs in the constitution of a firm, the mutual rights and duties of the partners in the reconstituted firm remain the same as they were immediately before the change, as far as may be;

after the expiry of the term of the firm, and

(*b*) where a firm constituted for a fixed term continues to carry on business after the expiry of that term, the mutual rights and duties of the partners remain the same as they were before the expiry, so far as they may be consistent with the incidents of partnership at will; and

where additional-under takings are carried out.

(*c*) where a firm constituted to carry out one or more adventures or undertakings carries out other adventures or undertakings, the mutual rights and duties of the partners in respect

of the other adventures or undertakings are the same as those in respect of the original adventures or undertakings.

CHAPTER IV.

RELATIONS OF PARTNERS TO THIRD PARTIES.

Partner to be agent of the firm.

18. Subject to the provisions of this Act, a partner is the agent of the firm for the purposes of the business of the firm.

Implied authority of partner as agent of the firm.

19. (1) Subject to the provisions of section 22, the act of a partner which is done to carry on, in the usual way, business of the kind carried on by the firm, binds the firm.

The authority of a partner to bind the firm conferred by this section is called his "implied authority".

(2) In the absence of any usage or custom of trade to the contrary, the implied authority of a partner does not empower him to—

(*a*) submit a dispute relating to the business of the firm to arbitration,

(*b*) open a banking account on behalf of the firm in his own name,

(*c*) compromise or relinquish any claim or portion of a claim by the firm,

(*d*) withdraw a suit or proceeding filed on behalf of the firm,

(*e*) admit any liability in a suit or proceeding against the firm,

(*f*) acquire immoveable property on behalf of the firm,

(*g*) transfer immoveable property belonging to the firm, or

(*h*) enter into partnership on behalf of the firm.

Extension and restriction of partner's implied authority.

20. The partners in a firm may, by contract between the partners, extend or restrict the implied authority of any partner.

Notwithstanding any such restriction, any act done by a partner on behalf of the firm which falls within his implied authority binds the firm, unless the person with whom he is dealing knows of the restriction or does not know or believe that partner to be a partner.

Partner's authority in an emergency.

21. A partner has authority, in an emergency to do all such acts for the purpose of protecting the firm from loss as would be done by a person of ordinary prudence, in his own case, acting under similar circumstances, and such acts bind the firm.

Mode of doing act to bind firm.

22. In order to bind a firm, an act or instrument done or executed by a partner or other person on behalf of the firm shall

be done or executed in the firm name, or in any other manner expressing or implying an intention to bind the firm.

Effect of admissions by a partner.

23. An admission or representation made by a partner concerning the affairs of the firm is evidence against the firm, if it is made in the ordinary course of business.

Effect of notice to acting partner.

24. Notice to a partner who habitually acts in the business of the firm of any matter relating to the affairs of the firm operates as notice to the firm, except in the case of a fraud on the firm committed by or with the consent of that partner.

Liability of a partner for acts of the firm.

25. Every partner is liable, jointly with all the other partners and also severally, for all acts of the firm done while he is a partner.

Liability of the firm for wrongful acts of a partner.

26. Where, by the wrongful act or omission of a partner acting in the ordinary course of the business of a firm, or with the authority of his partners, loss or injury is caused to any third party, or any penalty is incurred, the firm is liable therefor to the same extent as the partner.

Liability of firm for misapplication by partners.

27. Where—

(*a*) a partner acting within his apparent authority receives money or property from a third party and misapplies it, or

(*b*) a firm in the course of its business receives money or property from a third party, and the money or property is misapplied by any of the partners while it is in the custody of the firm,

the firm is liable to make good the loss.

Holding out.

28. (1) Any one who by words spoken or written or by conduct represents himself, or knowingly permits himself to be represented, to be a partner in a firm, is liable as a partner in that firm to any one who has on the faith of any such representation given credit to the firm, whether the person representing himself or represented to be a partner does or does not know that the representation has reached the person so giving credit.

(2) Where after a partner's death the business is continued in the old firm name, the continued use of that name or of the deceased partner's name as a part thereof shall not of itself make his legal representative or his estate liable for any act of the firm done after his death.

Rights of transferee of a partner's interest.

29. (1) A transfer by a partner of his interest in the firm, either absolute or by mortgage, or by the creation by him of a charge on such interest, does not entitle the transferee, during the continuance of the firm, to interfere in the conduct of the business, or to require accounts, or to inspect the books of the firm, but entitles the transferee only to receive the share of profits of the transferring partner, and the transferee shall accept the account of profits agreed to by the partners.

(2) If the firm is dissolved or if the transferring partner ceases to be a partner, the transferee is entitled as against the remaining partners to receive the share of the assets of the firm to which the transferring partner is entitled, and, for the purpose of ascertaining that share, to an account as from the date of the dissolution.

Minors admitted to the benefits of partnership.

30. (1) A person who is a minor according to the law to which he is subject may not be a partner in a firm, but, with the consent of all the partners for the time being, he may be admitted to the benefits of partnership.

(2) Such minor has a right to such share of the property and of the profits of the firm as may be agreed upon, and he may have access to and inspect and copy any of the accounts of the firm.

(3) Such minor's share is liable for the acts of the firm, but the minor is not personally liable for any such act.

(4) Such minor may not sue the partners for an account or payment of his share of the property or profits of the firm, save when severing his connection with the firm, and in such case the amount of his share shall be determined by a valuation made as far as possible in accordance with the rules contained in section 48:

Provided that all the partners acting together or any partner entitled to dissolve the firm upon notice to other partners may elect in such suit to dissolve the firm, and thereupon the Court shall proceed with the suit as one for dissolution and for settling accounts between the partners, and the amount of the share of the minor shall be determined along with the shares of the partners.

(5) At any time within six months of his attaining majority, or of his obtaining knowledge that he had been admitted to the benefits of partnership, whichever date is later, such person may give public notice that he has elected to become or that he has elected not to become a partner in the firm, and such notice shall determine his position as regards the firm:

Provided that, if he fails to give such notice, he shall become a partner in the firm on the expiry of the said six months.

(6) Where any person has been admitted as a minor to the benefits of partnership in a firm, the burden of proving the fact that such person had no knowledge of such admission until a particular date after the expiry of six months of his attaining majority shall lie on the person asserting that fact.

(7) Where such person becomes a partner,—

(*a*) his rights and liabilities as a minor continue up to the date on which he becomes a partner, but he also becomes personally liable to third parties for all acts of the firm done since he was admitted to the benefits of partnership, and

(*b*) his share in the property and profits of the firm shall be the share to which he was entitled as a minor.

(8) Where such person elects not to become a partner,—

(*a*) his rights and liabilities shall continue to be those of a minor under this section up to the date on which he gives public notice,

(*b*) his share shall not be liable for any acts of the firm done after the date of the notice, and

(*c*) he shall be entitled to sue the partners for his share of the property and profits in accordance with sub-section (4).

(9) Nothing in sub-sections (7) and (8) shall affect the provisions of section 28.

CHAPTER V.

INCOMING AND OUTGOING PARTNERS.

Introduction of a partner.

31. (1) Subject to contract between the partners and to the provisions of section 30, no person shall be introduced as a partner into a firm without the consent of all the existing partners.

(2) Subject to the provisions of section 30, a person who is introduced as a partner into a firm does not thereby become liable for any act of the firm done before he became a partner.

Retirement of a partner.

32. (1) A partner may retire—

(*a*) with the consent of all the other partners,

(*b*) in accordance with an express agreement by the partners, or

(*c*) where the partnership is at will, by giving notice in writing to all the other partners of his intention to retire.

(2) A retiring partner may be discharged from any liability to any third party for acts of the firm done before his retirement by an agreement made by him with such third party and the partners of the reconstitufted firm, and such agreement may be implied by a course of dealing between such third party and the reconsituted firm after he had knowledge of the retirement.

(3) Notwithstanding the retirement of a partner from a firm, he and the partners continue to be liable as partners to third parties for any act done by any of them which would have been an act of the firm if done before the retirement, until public notice is given of the retirement:

Provided that a retired partner is not liable to any third party who deals with the firm without knowing that he was a partner.

(4) Notices under sub-section (3) may be given by the retired partner or by any partner of the reconstituted firm.

Expulsion of a partner.

33. (1) A partner may not be expelled from a firm by any majority of the partners, save in the exercise in good faith of powers conferred by contract between the partners.

(2) The provisions of sub-sections (2), (3) and (4) of section 32 shall apply to an expelled partner as if he were a retired partner.

Insolvency of a partner.

34. (1) Where a partner in a firm is adjudicated an insolvent he ceases to be a partner on the date on which the order of adjudication is made, whether or not the firm is thereby dissolved.

(2) Where under a contract between the partners the firm is not dissolved by the adjudication of a partner as an insolvent, the estate of a partner so adjudicated is not liable for any act of the firm and the firm is not liable for any act of the insolvent, done after the date on which the order of adjudication is made.

Liability of estate of deceased partner.

35. Where under a contract between the partners the firm is not dissolved by the death of a partner, the estate of a deceased partner is not liable for any act of the firm done after his death.

Rights of outgoing partner to carry on competing business.

36. (1) An outgoing partner may carry on a business competing with that of the firm and he may advertise such business, but, subject to contract to the contrary, he may not—

(*a*) use the firm name,

(*b*) represent himself as carrying on the business of the firm, or

(*c*) solicit the custom of persons who were dealing with the firm before he ceased to be a partner.

Agreements in restraint of trade.

(2) A partner may make an agreement with his partners that on ceasing to be a partner he will not carry on any business similar to that of the firm within a specified period or within specified local limits; and, notwithstanding anything contained in section 27 of the Indian Contract Act, 1872, such agreement shall be valid if the restrictions imposed are reasonable.

Right of outgoing partner in certain cases to share subsequent profits.

37. Where any member of a firm has died or otherwise ceased to be a partner, and the surviving or continuing partners carry on the business of the firm with the property of the firm without any final settlement of accounts as between them and the outgoing partner or his estate, then, in the absence of a contract to the contrary, the outgoing partner or his estate is entitled at the option of himself or his representatives to such share of the profits made since he ceased to be a partner as may be attributable to the use of his share of the property of the firm or to interest at the rate of six per cent. per annum on the amount of his share in the property of the firm:

Provided that where by contract between the partners an option is given to surviving or continuing partners to purchase the interest of a deceased or outgoing partner, and that option is duly exercised, the estate of the deceased partner, or the outgoing partner or his estate, as the case may be, is not entitled to any further or other share of profits; but if any partner assuming

to act in exercise of the option does not in all material respects comply with the terms thereof, he is liable to account under the foregoing provisions of this section.

Revocation of continuing guarantee by change in firm.

38. A continuing guarantee given to a firm, or to a third party in respect of the transactions of a firm, is, in the absence of agreement to the contrary, revoked as to future transactions from the date of any change in the constitution of the firm.

CHAPTER VI.

DISSOLUTION OF A FIRM.

Dissolution of a firm.

39. The dissolution of partnership between all the partners of a firm is called the "dissolution of the firm".

Dissolution by agreement.

40. A firm may be dissolved with the consent of all the partners or in accordance with a contract between the partners.

Compulsory dissolution.

41. A firm is dissolved—

(*a*) by the adjudication of all the partners or of all the partners but one as insolvent, or

(*b*) by the happening of any event which makes it unlawful for the business of the firm to be carried on or for the partners to carry it on in partnership:

Provided that, where more than one separate adventure or undertaking is carried on by the firm, the illegality of one or more shall not of itself cause the dissolution of the firm in respect of its lawful adventures and undertakings.

Dissolution on the happening of certain contingencies.

42. Subject to contract between the partners a firm is dissolved—

(*a*) if constituted for a fixed term, by the expiry of that term;

(*b*) if constituted to carry out one or more adventures or undertakings, by the completion thereof;

(*c*) by the death of a partner; and

(*d*) by the adjudication of a partner as an insolvent.

Dissolution by notice of partnership at will

43. (1) Where the partnership is at will, the firm may be dissolved by any partner giving notice in writing to all the other partners of his intention to dissolve the firm.

(2) The firm is dissolved as from the date mentioned in the notice as the date of dissolution or, if no date is so mentioned, as from the date of the communication of the notice.

Dissolution by the Court.

44. At the suit of a partner, the Court may dissolve a firm on any of the following grounds, namely:—

(*a*) that a partner has become of unsound mind, in which case the suit may be brought as well by the next friend of the partner who has become of unsound mind as by any other partner;

(*b*) that a partner, other than the partner suing, has become in any way permanently incapable of performing his duties as partners;

(*c*) that a partner, other than the partner suing, is guilty of conduct which is likely to affect prejudicially the carrying on of the business, regard being had to the nature of the business;

(*d*) that a partner, other than the partner suing, wilfully or persistently commits breach of agreements relating to the management of the affairs of the firm or the conduct of its business, or otherwise so conducts himself in matters relating to the business that it is not reasonably practicable for the other partners to carry on the business in partnership with him;

(*e*) that a partner, other than the partner suing, has in any way transferred the whole of his interest in the firm to a third party, or has allowed his share to be charged under the provisions of rule 49 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908, or has allowed it to be sold in the recovery of arrears of land-revenue or of any dues recoverable as arrears of land-revenue due by the partner;

(*f*) that the business of the firm cannot be carried on save at a loss; or

(*g*) on any other ground which renders it just and equitable that the firm should be dissolved.

Liability for acts of partners done after dissolution.

45. (1) Notwithstanding the dissolution of a firm, the partners continue to be liable as such to third parties for any act done by any of them which would have been an act of the firm if done before the dissolution, until public notice is given of the dissolution:

Provided that the estate of a partner who dies, or who is adjudicated an insolvent, or of a partner who, not having been kown to the person dealing with the firm to be a partner, retires from the firm, is not liable under this section for acts done after the date on which he ceases to be a partner.

(2) Notices under sub-section (1) may be given by any partner.

Right of partners to have business wound up after dissolution.

46. On the dissolution of a firm every partner or his representative is entitled, as against all the other partners or their representatives, to have the property of the firm applied in payment of the debts and liabilities of the firm, and to have the surplus distributed among the partners or their representatives according to their rights.

Continuing authority of partners for purposes of winding up.

47. After the dissolution of a firm the authority of each partner to bind the firm, and the other mutual rights and obligations of the partners, continue notwithstanding the dissolution, so far as may be necessary to wind up the affairs of the firm and to complete transactions begun but unfinished at the time of the dissolution, but not otherwise:

Provided that the firm is in no case bound by the acts of a partner who has been adjudicated insolvent; but this proviso does not affect the liability of any person who has after the adjudication represented himself or knowingly permitted himself to be represented as a partner of the insolvent.

Mode of settlement of accounts between partners.

48. In settling the accounts of a firm after dissolution, the following rules shall, subject to agreement by the partners, be observed:—

(*a*) Losses, including deficiencies of capital, shall be paid first out of profits, next out of capital, and, lastly, if necessary, by the partners individually in the proportions in which they were entitled to share profits.

(*b*) The assets of the firm, including any sums contributed by the partners to make up deficiencies of capital, shall be applied in the following manner and order:—

(*i*) in paying the debts of the firm to third parties;

(*ii*) in paying to each partner rateably what is due to him from the firm for advances as distinguished from capital;

(*iii*) in paying to each partner rateably what is due to him on account of capital; and

(*iv*) the residue, if any, shall be divided among the partners in the proportions in which they were entitled to share profits.

Payment of firm debts and of separate debts.

49. Where there are joint debts due from the firm, and also separate debts due from any partner, the property of the firm shall be applied in the first instance in payment of the debts of the firm, and, if there is any surplus, then the share of each partner shall be applied in payment of his separate debts or paid to him. The separate property of any partner shall be applied first in the payment of his separate debts, and the surplus (if any) in the payment of the debts of the firm.

Personal profits earned after dissolution.

50. Subject to contract between the partners, the provisions of clause (*a*) of section 16 shall apply to transactions by any surviving partner or by the representatives of a deceased partner, undertaken after the firm is dissolved on account of the death of a partner and before its affairs have been completely wound up:

Provided that where any partner or his representative has bought the goodwill of the firm, nothing in this section shall affect his right to use the firm name.

Return of premium on premature dissolution.

51. Where a partner has paid a premium on entering into partnership for a fixed term, and the firm is dissolved before the expiration of that term otherwise than by the death of a partner, he shall be entitled to repayment of the premium or of such part thereof as may be reasonable, regard being had to the terms upon which he became a partner and to the length of time during which he was a partner, unless—

(*a*) the dissolution is mainly due to his own misconduct, or

(*b*) the dissolution is in pursuance of an agreement containing no provision for the return of the premium or any part of it.

Rights where partnership contract is rescinded for fraud or misrepresentation.

52. Where a contract creating partnership is rescinded on the ground of the fraud or misreprentation of any of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled—

(*a*) to a lien on, or a right of retention of, the surplus of the assets of the firm remaining after the debts of the firm have been paid, for any sum paid by him for the purchase of a share in the firm and for any capital contributed by him;

(*b*) to rank as a creditor of the firm in respect of any payment made by him towards the debts of the firm; and

(*c*) to be indemnified by the partner or partners guilty of the fraud or misrepresentation against all the debts of the firm.

Right to restrain from use of firm name or firm property.

53. After a firm is dissolved, every partner or his representative may, in the absence of a contract between the partners to the contrary, restrain any other partner or his representative from carrying on a similar business in the firm name or from using any of the property of the firm for his own benefit, until the affairs of the firm have been completely wound up:

Provided that where any partner or his representative has brought the goodwill of the firm, nothing in this section shall affect his right to use the firm name.

Agreements in restraint of trade.

54. Partners may, upon or in anticipation of the dissolution of the firm, make an agreement that some or all of them will not carry on a business similar to that of the firm within a specified period or within specified local limits; and notwithstanding anything contained in section 27 of the Indian Contract Act, 1872, such agreement shall be valid if the restrictions imposed are reasonable.

Sale of good will after dissolution.

55. (1) In settling the accounts of a firm after dissolution, the good will shall, subject to contract between the partners, be included in the assets, and it may be sold either separately or along with other property of the firm.

Rights of buyer and seller of good will.

(2) Where the goodwill of a firm is sold after dissolution, a partner may carry on a business competing with that of the buyer and he may advertise such business, but, subject to agreement between him and the buyer, he may not—

(*a*) use the firm name,

(*b*) represent himself as carrying on the business of the firm, or

(*c*) solicit the custom of persons who were dealing with the firm before its dissolution.

Agreements in restraint of trade.

(3) Any partner may, upon the sale of the goodwill of a firm, make an agreement with the buyer that such partner will not carry on any business similar to that of the firm within a specified period or within specified local limits, and, notwithstanding anything contained in section 27 of the Indian Contract Act, 1872, such agreement shall be valid if the restrictions imposed are reasonable.

CHAPTER VII.

REGISTRATION OF FIRMS.

Power to exempt from application of this Chapter.

56. The Governor-General-in-Council may, by notification in the Gazette of India, direct that the provisions of this Chapter shall not apply to any province or to any part thereof specified in the notification.

Appointment of Registrars.

57. (1) The Local Government may appoint Registrars of Firms for the purposes of this Act, and may define the areas within which they shall exercise their powers and perform their duties.

(2) Every Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Application for registration.

58. (1) The registration of a firm may be effected at any time by sending by post or delivering to the Registrar of the area in which any place of business of the firm is situated or proposed to be situated, a statement in the prescribed form and accompanied by the prescribed fee, stating—

(*a*) the firm name,

(*b*) the place or principal place of business of the firm,

(*c*) the names of any other places where the firm carries on business,

(*d*) the date when each partner joined the firm,

(*e*) the names in full and permanent addresses of the partners, and

(*f*) the duration of the firm.

The statement shall be signed by all the partners, or by their agents specially authorised in this behalf.

(2) Each person signing the statement shall also verify it in the manner prescribed.

(3) A firm name shall not contain any of the following words, namely:—

"Crown", "Emperor", "Empress", "Empire", "Imperial", "King", "Queen", "Royal", or words expressing or implying the sanction, approval or patronage of the Crown or the Government of India or a Local Government, except when the Governor-General in Council signifies his consent to the use of such words as part of the firm name by order in writing under the hand of one of the Secretaries of the Government of India.

59. When the Registrar is satisfied that the provisions of section 58 have been duly complied with, he shall record an entry of the statement in a register called the Register of Firms, and shall file the statement.

Registration.

60. (1) When an alteration is made in the firm name or in the location of the principal place of business of a registered firm, a statement may be sent to the Registrar accompanied by the prescribed fee, specifying the alteration, and signed and verified in the manner required under section 58.

Recording of alterations in firm name and principal place of business.

(2) When the Registrar is satisfied that the provisions of sub-section (1) have been duly complied with, he shall amend the entry relating to the firm in the Register of Firms in accordance with the statement, and shall file it along with the statement relating to the firm filed under section 59.

61. When a registered firm discontinues business at any place or begins to carry on business at any place, such place not being its principal place of business, any partner or agent of the firm may send intimation thereof to the Registrar, who shall make a note of such intimation in the entry relating to the firm in the Register of Firms, and shall file the intimation along with the statement relating to the firm filed under section 59.

Noting of closing and opening of branches.

62. When any partner in a registered firm alters his name or permanent address, an intimation of the alteration may be sent by any partner or agent of the firm to the Registrar, who shall deal with it in the manner provided in section 61.

Noting of changes in names and addresses of partners.

63. (1) When a change occurs in the constitution of a registered firm any incoming, continuing or outgoing partner, and when a registered firm is dissolved any person who was a partner immediately before the dissolution, or the agent of any such partner or person specially authorised in this behalf, may give notice to the Registrar of such change or dissolution, specifying the date thereof; and the Registrar shall make a record of the notice in the entry relating to the firm in the Register of Firms, and shall file the notice along with the statement relating to the firm filed under section 59.

Recording of changes in and dissolution of a firm.

(2) When a minor who has been admitted to the benefits of partnership in a firm attains majority and elects to become or not to become a partner, and the firm is then a registered firm, he, or his agent specially authorised in this behalf, may give notice to the Registrar that he has or has not become a partner, and the Registrar shall deal with the notice in the manner provided in sub-section (1).

Recording of withdrawal of a minor.

64. (1) The Registrar shall have power at all times to rectify any mistake in order to bring the entry in the Register of Firms relating to any firm into conformity with the documents relating to that firm filed under this Chapter.

Rectification of mistakes.

(2) On application made by all the parties who have signed any document relating to a firm filed under this Chapter, the Registrar may rectify any mistake in such document or in the record or note thereof made in the Register of Firms.

Amendment of Register by order of Court.

65. A Court deciding any matter relating to a registered firm may direct that the Registrar shall make any amendment in the entry in the Register of Firms relating to such firm which is consequential upon its decision; and the Registrar shall amend the entry accordingly.

Inspection of Register and filed documents.

66. (1) The Register of Firms shall be open to inspection by any person on payment of such fee as may be prescribed.

(2) All statements, notices and intimations filed under this Chapter shall be open to inspection, subject to such conditions and on payment of such fee as may be prescribed.

Grant of copies.

67. The Registrar shall on application furnish to any person, on payment of such fee as may be prescribed, a copy, certified under his hand, of any entry or portion thereof in the Register of Firms.

Rules of evidence.

68. (1) Any statement, intimation or notice recorded or noted in the Register of Firms shall, as against any person by whom or on whose behalf such statement, intimation or notice was signed, be conclusive proof of any fact therein stated.

(2) A certified copy of an entry relating to a firm in the Register of Firms may be produced in proof of the fact of the registration of such firm, and of the contents of any statement, intimation or notice recorded or noted therein.

Effect of non-registration.

69. (1) No suit to enforce a right arising from a contract or conferred by this Act shall be instituted in any Court by or on behalf of any person suing as a partner in a firm against the firm or any person alleged to be or to have been a partner in the firm unless the firm is registered and the person suing is or has been shown in the Register of Firms as a partner in the firm.

(2) No suit to enforce a right arising from a contract shall be instituted in any Court by or on behalf of a firm against any third party unless the firm is registered and the persons suing are or have been shown in the Register of Firms as partners in the firm.

(3) The provisions of sub-sections (1) and (2) shall apply also to a claim of set-off or other proceeding to enforce a right arising from a contract, but shall not affect—

(*a*) the enforcement of any right to sue for the dissolution of a firm or for accounts of a dissolved firm, or any right or power to realise the property of a dissolved firm, or

(*b*) the powers of an official assignee, receiver or Court under the Presidency-towns Insolvency Act, 1909, or the Provin-

cial Insolvency Act, 1920, to realise the property of an insolvent partner.

(4) This section shall not apply—

(a) to firms or to partners in firms which have no place of business in British India, or whose places of business in British India are situated in areas to which, by notification under section 55, this Chapter does not apply, or

(b) to any suit or claim of set-off not exceeding one hundred rupees in value which, in the Presidency-towns, is not of a kind specified in section 19 of the Presidency Small Cause Courts Act, 1882, or, outside the Presidency-towns, is not of a kind specified in the Second Schedule to the Provincial Small Cause Courts Act, 1887, or to any proceeding in execution or other proceeding incidental to or arising from any such suit or claim.

Penalty for furnishing false particulars.

70. Any person who signs any statement, amending statement, notice or intimation under this Chapter containing any particular which he knows to be false or does not believe to be true, or containing particulars which he knows to be incomplete or does not believe to be complete, shall be punishable with imprisonment which may extend to three months, or with fine, or with both.

Power to make rules.

71. (1) The Governor-General in Council may make rules prescribing the fees which shall accompany documents sent to the Registrar of Firms, or which shall be payable for the inspection of documents in the custody of the Registrar of Firms, or for copies from the Register of Firms:

Provided that such fees shall not exceed the maximum fees specified in Schedule I.

(2) The Local Government may make rules—

(a) prescribing the form of statement submitted under section 58, and of the verification thereof;

(b) requiring statements, intimations and notices under sections 60, 61, 62 and 63 to be in prescribed form, and prescribing the form thereof;

(c) prescribing the form of the Register of Firms, and the mode in which entries relating to firms are to be made therein, and the mode in which such entries are to be amended or notes made therein;

(d) regulating the procedure of the Registrar when disputes arise;

(e) regulating the filing of documents received by the Registrar;

(f) prescribing conditions for the inspection of original documents;

(g) regulating the grant of copies;

(h) regulating the elimination of registers and documents;

(i) providing for the maintenance and form of an Index to the Register of Firms; and

(j) generally, to carry out the purposes of this Chapter.

(3) All rules made under this section shall be subject to the condition of previous publication.

CHAPTER VIII.

SUPPLEMENTAL.

Mode of giving public notice.

72. A public notice under this Act is given—

(a) where it relates to the retirement or expulsion of a partner from a registered firm, or to the dissolution of a registered firm, or to the election to become or not to become a partner in a registered firm by a person attaining majority who was admitted as a minor to the benefits of partnership, by notice to the Registrar of Firms under section 63, and by publication in the local official Gazette and in at least one vernacular newspaper circulating in the district where the firm to which it relates has its place or principal place of business, and

(b) in any other case, by publication in the local official Gazette and in at least one vernacular newspaper circulating in the district where the firm to which it relates has its place or principal place of business.

Repeals.

73. The enactments mentioned in Schedule II are hereby repealed to the extent specified in the fourth column thereof.

Savings.

74. Nothing in this Act or any repeal effected thereby shall affect or be deemed to affect—

(a) any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(b) any legal proceeding or remedy in respect of any such right, title, interest, obligation or liability, or anything done or suffered before the commencement of this Act, or

(c) anything done or suffered before the commencement of this Act, or

(d) any enactment relating to partnership not expressly repealed by this Act, or

(e) any rule of insolvency relating to partnership, or

(f) any rule of law not inconsistent with this Act.

SCHEDULE I.

MAXIMUM FEES.

[See *sub-section* (1) *of section* 71]

Document or act in respect of which the fee is payable.	Maximum fee.
Statement under section 58	Three rupees.
Statement under section 60	One rupee.
Intimation under section 61 .	One rupee.
Intimation under section 62	One rupee.
Notice under section 63 .	One rupee.
Application under section 64 .	One rupee.
Inspection of the Register of Firms under sub-section (1) of section 66 .	Eight annas for inspecting one volume of the Register.
Inspection of documents relating to a firm under sub-section (2) of section 66 .	Eight annas for the inspection of all documents relating to one firm.
Copies from the Register of Firms .	Four annas for each hundred words or part thereof.

SCHEDULE II.

ENACTMENTS REPEALED

[See *section* 73.]

Year. 1	No. 2	Short title. 3	Extent of Repeal. 4
1872	IX	The Indian Contract Act, 1872.	Exceptions 2 & 3 to section 27. The whole of Chapter XI.
1920	Burma Act VIII.	The Burma Registration of Business Names Act, 1920.	The whole.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1932.

ACT NO. X OF 1932.

[8*th April*, 1932.

An Act further to amend the Code of Civil Procedure, 1908, *for a certain purpose.*

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purpose hereinafter appearing; it is hereby enacted as follows:—

Short title.

1. This Act may be called THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1932.

Amendment of section 78, Act V of 1908.

2. In section 78 of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code),—

(*a*) before the words "The provisions" the words "Subject to such conditions and limitations as may be prescribed," shall be inserted;

(*b*) after the words "issued by" the words "or at the instance of" shall be inserted; and

(*c*) in clause (*c*), the words "for the time being in alliance with His Majesty" shall be omitted.

Insertion of new rules in Order XXVI of the First Schedule, Act V of 1908.

3. In Order 26 of the First Schedule to the said Code, the following heading and rules shall be added, namely:—

"*Commissions issued at the instance of Foreign Tribunals.*

19. (1) If the High Court is satisfied—

(*a*) that a foreign Court situated in a foreign country wishes to obtain the evidence of a witness in any proceeding before it,

(*b*) that the proceeding is of a civil nature and

(*c*) that the witness is residing within the limits of the High Court's appellate jurisdiction,

it may, subject to the provisions of rule 20, issue a commission for the examination of such witness.

(2) Evidence may be given of the matters specified in clauses (*a*), (*b*) and (*c*) of sub-rule (1)—

(*a*) by a certificate signed by the consular officer of the foreign country of the highest rank in India and transmitted to the High Court through the Governor-General in Council, or

(*b*) by a letter of request issued by the foreign court and transmitted to the High Court through the Governor-General in Council, or

(*c*) by a letter of request issued by the foreign court and produced before the High Court by a party to the proceeding.

20. The High Court may issue a commission under rule 19—

(*a*) upon application by a party to the proceeding before the foreign court, or

(*b*) upon an application by a law officer of the Local Government acting under instructions from the Local Government.

21. A commission under rule 19 may be issued to any court within the local limits of whose jurisdiction the witness resides, or, where the High Court is established under the Indian High Courts Act, 1861, or the Government of India Act, 1915, and the witness resides within the local limits of its ordinary original civil jurisdiction, to any person whom the court thinks fit to execute the commission.

22. The provisions of rules 6, 15, 16, 17 and 18 of this Order in so far as they are applicable shall apply to the issue, execution and return of such commissions, and when any such commission has been duly executed it shall be returned, together with the evidence taken under it, to the High Court, which shall forward it to the Governor-General in Council, along with the letter of request for transmission to the foreign court."

THE PUBLIC SUITS VALIDATION ACT, 1932.

ACT No. XI OF 1932.

[8*th April*, 1932.

An Act to validate certain suits relating to public matters.

WHEREAS it is expedient to validate certain suits relating to public matters which may be or have been held to be invalid by reason of the previous sanction of the Local Government in respect thereof not having been obtained as required by section 93 of the Code of Civil Procedure, 1908; it is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called THE PUBLIC SUITS VALIDATION ACT, 1932.

(2) It extends to all parts of British India to which sections 91, 92 and 93 of the Code of Civil Procedure, 1908, extend.

Validation of certain pending public suits.

2. Where a suit relating to any of the public matters specified in sections 91 and 92 of the Code of Civil Procedure, 1908, is pending at the commencement of this Act, the institution of such suit shall not be deemed to be invalid on the ground that the previous sanction of the Local Government in respect of such suit has not been obtained as required by section 93 of that Code.

Explanation.—For the purposes of this section a suit pending at the commencement of this Act includes a suit in respect of which an appeal lies or is pending at the commencement of this Act.

Restoration of certain dismissed public suits.

3. Where any suit relating to any such public matter has, after the 30th day of November, 1931, and before the commencement of this Act, been dismissed by a Court of first instance

solely on the ground that the sanction of the Local Government in respect of such suit has not been obtained as required by section 93 of the Code of Civil Procedure, 1908, the Court shall, on application made within six months from the commencement of this Act, make an order setting aside its decree and shall proceed with the suit.

Retrial of certain appeals relating to public suits.

4. Where, in any appeal arising from a suit relating to any such public matter, a decree has been passed after the 30th day of November, 1931, and before the commencement of this Act, dismissing the appeal or dismissing the suit from which the appeal arose, solely on the ground that the previous sanction of the Local Government in respect of the suit had not been obtained as required by section 93 of the Code of Civil Procedure, 1908, the Appellate Court shall, on application made within six months from the commencement of this Act, make an order setting aside its decree and shall proceed with the appeal.

THE FOREIGN RELATIONS ACT, 1932.

ACT No. XII OF 1932.

[8th *April*, 1932.

An Act to provide against the publication of statements likely to prejudice the maintenance of friendly relations between His Majesty's Government and the Governments of certain foreign States.

WHEREAS it is expedient to provide against the publication of statements likely to prejudice the maintenance of friendly relations between His Majesty's Government and thee Governments of certain foreign States; it is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called THE FOREIGN RELATIONS ACT, 1932.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

Power of Governor-General in Council to prosecute in certain cases of defamation.

2. Where an offence falling under Chapter XXI of the Indian Penal Code is committed against a Ruler of a State outside but adjoining India, or against the consort or son or principal Minister of such Ruler, the Governor-General in Council may make, or authorise any person to make, a complaint in writing of such offence, and, notwithstanding anything contained in section 198 of the Code of Criminal Procedure, 1898, any Court competent in other respects to take cognizance of such offence may take cognizance thereof on such complaint.

Explanation.—For the purposes of this Act Aden is not included in India.

Power to forfeit certain publications

3. The provisions of sections 99-A to 99-G of the Code of Criminal Procedure, 1898, and of sections 27-B to 27-D of the Indian Post Office Act, 1898, shall apply in the case of any book,

newspaper or other document containing matter which is defamatory of a Ruler of a State outside but adjoining India or of the consort or son or principal Minister of such Ruler and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State, in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections: *or to detain them in the course of transmission through post.*

Provided that for the purposes of this section the said provisions shall be construed as if for the words "Local Government" wherever they occur, the words "Governor-General in Council" were substituted.

Proof of status of persons defamed.

4. Where, in any trial of an offence upon a complaint under section 2, or in any proceeding before a High Court arising out of section 3, there is a question whether any person is a Ruler of any State, or is the consort or son or principal Minister of such Ruler, a certificate under the hand of a Secretary to the Government of India that such person is such Ruler, consort, son or principal Minister shall be conclusive proof of that fact.

THE SUGAR INDUSTRY (PROTECTION) ACT, 1932.

ACT No. XIII OF 1932.

[*8th April*, 1932.

An Act to provide for the fostering and development of the sugar industry in British India

WHEREAS it is expedient, in pursuance of the policy of discriminating protection of industries in British India with due regard to the well-being of the community, to provide for the fostering and development of the sugar industry for a period ending with the 31st day of March, 1946, by determining the extent of the protection to be conferred up to the 31st day of March, 1938, and by making provision for the determination of the extent of the protection to be conferred for the remainder of the period; it is hereby enacted as follows:—

Short title

1. This Act may be called THE SUGAR INDUSTRY (PROTECTION) ACT, 1932.

Amendment of Schedule II, Act VIII of 1894.

2 (1) In the Second Schedule to the Indian Tariff Act, 1894, there shall be made the amendments specified in the Schedule to this Act.

(2) The amendments made by sub-section (1) shall have effect up to the 31st day of March, 1938.

Statutory inquiry.

3. The Governor-General in Council shall cause to be made, by such persons as he may appoint in this behalf, an inquiry to ascertain if the protection of the sugar industry during the period from the 31st day of March, 1938, to the 31st day of March, 1946, should be continued to the extent conferred by this Act, or to a

greater or lesser extent, and shall, not later than the 31st day of March, 1938, lay his proposals in this behalf before the Indian Legislature.

Power to increase duty imposed by section 2.

4. If the Governor-General in Council is satisfied, after such inquiry as he thinks fit, that sugar not manufactured in India is being imported into British India at such a price as is likely to render insufficient the benefits intended to be conferred upon the sugar industry by the duties imposed by section 2, he may, by notification in the Gazette of India, increase such duty to such extent as he thinks fit.

Power to make rules requiring returns.

5. The Governor-General in Council may, by notification in the Gazette of India, make rules requiring the owners of sugar factories in British India to make such returns relating to the production of sugar in their factories as the Governor-General in Council may consider to be desirable, prescribing the form of such returns, the dates of their submission and the authority to which they shall be submitted.

Power to make rules requiring notices of prices of sugar cane to be posted up in sugar factories

6. (1) The Local Government may, by notification in the local official Gazette, make rules requiring that there shall be affixed, in conspicuous places near the entrances to sugar factories, notices for the information of sellers of sugar-cane, and such rules may prescribe the form and languages of such notices, and the particulars to be included therein relating to prices at which sugar-cane is being bought at the factory.

(2) In making such rules the Local Government may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees.

Explanation.—In this section and in section 5 "factory" has the meaning assigned to it in clause (3) of section 2 of the Indian Factories Act, 1911.

THE SCHEDULE

[See *section* 2]

Amendments to be made in Schedule II to the Indian Tariff Act, 1894

1. In Part II,—

(*a*) for the heading "SUGAR" and Item No. 34, the following heading and item shall be substituted, namely —

"OTHER FOOD AND DRINK

34	MOLASSES	*Ad valorem*	25 per cent.";

(*b*) the heading "SACCHARINE" above Item No. 34-A shall be omitted, and

(*c*) the heading "OTHER FOOD AND DRINK" above Item No. 35 shall be omitted.

2. In Part VII, after Item No. 156, the following heading and item shall be inserted, namely.—

"SUGAR.

			Rs.	A.
157	SUGAR and sugar-candy, excluding confectionery	Cwt.	7	4"

3. Item No. 156-A shall be re-numbered as Item No. 158.

4. In Part VII under the head "MISCELLANEOUS",—

(a) in the first column, the figures "157", "158" and "159" shall be omitted;

(b) the heading "MATCHES, UNDIPPED SPLINTS AND VENEERS" shall be numbered as Item No. 159; and

(c) in the second column, the entries relating to "MATCHES" "UNDIPPED SPLINTS" and "VENEERS" shall be lettered, respectively, as sub-items (a), (b) and (c) of Item No. 159.

THE INDIAN AIR FORCE ACT, 1932.

ACT NO. XIV OF 1932.

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THE SCHEDULE.

[8*th April*, 1932.

An Act to provide for the administration and discipline of the Indian Air Force.

WHEREAS it is intended to establish an Indian Air Force;

AND WHEREAS it is expedient to provide for the administration and discipline of that Force and for purposes connected therewith;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (1) This Act may be called THE INDIAN AIR FORCE ACT, 1932.

(2) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

Persons subject to this Act.

2. (1) The following persons shall be subject to this Act, namely:—

(*a*) officers and warrant officers of the Indian Air Force;

(*b*) persons enrolled under this Act;

(*c*) persons not otherwise subject to military or air force law, who, on active service, in camp, on the march, or at any frontier post specified by the Governor-General in Council by noti-

fication in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of, the Indian Air Force.

(2) Every person who has become subject to this Act under sub-section (1), clause (*a*) or (*b*), shall remain so subject until duly discharged or dismissed.

Special provision as to rank in certain cases

3. (1) The Governor-General in Council may, by notification, direct that any persons or class of persons subject to this Act under section 2, sub-section (1), clause (*c*), shall be so subject as officers, warrant officers or non-commissioned officers, and may authorise any officer to give a like direction with respect to any such person and to cancel such direction.

(2) All persons subject to this Act other than officers, warrant officers and non-commissioned officers shall, if they are not persons in respect of whom a notification or direction under sub-section (1) is in force, be deemed to be of a rank inferior to that of a non-commissioned officer.

Commanding officer of certain persons.

4. Every person subject to this Act under section 2, sub-section (1), clause (*c*), shall, for the purposes of this Act, be deemed to be under the commanding officer of the corps, unit or detachment (if any) to which he is attached, and if he is not attached to any corps, unit or detachment, under the command of any officer who may for the time being be named as his commanding officer by the officer commanding the force with which such person may for the time being be serving, or of any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said officer commanding the force:

Provided that an officer commanding a force shall not place a person under the command of an officer of official rank inferior to that of such person if there is present at the place where such person is any officer of higher rank under whose command he can be placed.

Officers to exercise powers in certain cases.

5. (1) Whenever persons subject to this Act are serving whether within or without India under an officer not subject to this Act, the Governor-General in Council may prescribe the officer by whom the powers which, under this Act, may be exercised by officers commanding units, shall, as regards such persons, be exercised.

(2) The Governor-General in Council may confer such powers either absolutely or subject to such restrictions, reservations, exceptions and conditions as he may think fit.

Definitions.

6. In this Act, unless there is something repugnant in the subject or context,—

(1) "officer of the Indian Air Force" means a person commissioned, gazetted or in pay as an officer of the Indian Air Force;

(2) "warrant officer" means a person appointed, gazetted or in pay as a warrant officer in the Indian Air Force;

(3) "non-commissioned officer" means a person attested under this Act holding a non-commissioned rank in the Indian Air Force, and includes an acting non-commissioned officer;

(4) "officer" means an officer of any of His Majesty's naval, military or air forces, but does not include a warrant officer or non-commissioned officer.

(5) "airman" means any person subject to this Act other than an officer;

(6) "commanding officer", used in relation to a person subject to this Act, means the officer for the time being in command of the unit or detachment to which such person belongs or is attached;

(7) "superior officer", when used in relation to a person subject to this Act, includes a warrant officer and a non-commissioned officer; and, as regards persons placed under his orders, an officer, a warrant officer or non-commissioned officer of any of His Majesty's naval, military or air forces;

(8) "corps" means any body of the Indian Air Force which is prescribed as a corps for the purposes of all or any of the provisions of this Act;

(9) "unit" means any body of the Indian Air Force which is prescribed as a unit for the purposes of all or any of the provisions of this Act;

(10) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of a person subject to naval, military or air force law to act;

(11) "active service", as applied to a person subject to this Act, means the time during which such person is attached to, or forms part of, a force which is engaged in operations against an enemy, or is engaged in warlike operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country, and includes, in respect of a person subject to this Act attached to or forming part of a force which is about to be or has recently been on such active service, such time as the Governor-General in Council may, by notification in the Gazette of India, declare to be active service in respect of such force;

(12) "air force custody" means the arrest or confinement of a person according to the usages of His Majesty's military and air forces, and includes military custody;

(13) "air force reward" includes any gratuity or annuity for long service or good conduct, any good conduct pay, good service pay or pension, and any other air force pecuniary reward;

(14) "court-martial" means a court-martial held under this Act;

(15) "criminal court" means a court of ordinary criminal justice in British India, or established elsewhere by the authority of the Governor-General in Council;

(16) "offence" means any act or omission made punishable by any law for the time being in force;

(17) "air force offence" means any act or omission made punishable by this Act;

(18) "civil offence" means an offence which, if committed in British India, would be triable by a criminal court;

(19) "His Majesty's naval forces" include the Indian Marine Service;

(20) "notification" means a notification published in the Gazette of India;

(21) "prescribed" means prescribed by rules made under this Act; and

(22) all words and expressions used herein and defined in the Indian Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

CHAPTER II.

ENROLMENT, ATTESTATION, DISMISSAL, DISCHARGE AND REDUCTION.

Procedure before enrolling officer.

7. Upon the appearance before the prescribed enrolling officer of any person desirous of being enrolled, the enrolling officer shall read and explain to him, or cause to be read and explained to him in his presence, the conditions of service for which he is to be enrolled; and shall put to him the questions set forth in the prescribed form of enrolment, and shall, after having cautioned him that if he makes a false answer to any such question he will be liable to punishment under this Act, record or cause to be recorded his answer to each such question.

Enrolment.

8. If, after complying with the provisions of section 7, the enrolling officer is satisfied that the person desirous of being enrolled fully understands the questions put to him and consents to the conditions of service, and if he perceives no impediment, he shall sign and shall cause the person to sign the enrolment paper, and the person shall be then deemed to be enrolled.

Conditions for enrolment.

9. The enrolling officer shall not cause any person to sign the enrolment paper unless he is satisfied that such person is a subject of His Majesty or of a Prince or Chief in India, and—

(*a*) is of unmixed Indian descent, or

(*b*) if he is of mixed Indian and non-Indian descent, is domiciled in India, or

(*c*) if he is of umixed non-Indian Asiatic descent, is domiciled in India and his father and grandfather were domiciled in India.

Presumption of enrolment in certain cases.

10. Every person who has for the space of six months been in the receipt of air force pay and been borne on the rolls of any unit shall be deemed to have been duly enrolled, notwithstanding any illegality or irregularity in his enrolment.

Persons to be attested.

11. The following persons shall be attested, namely:—

(a) all persons enrolled as combatants;

(b) all other enrolled persons prescribed by the Governor-General in Council.

Mode of attestation.

12. (1) When a person who is to be attested is reported fit for duty, or has completed the prescribed period of probation, an oath or affirmation shall be administered to him in the prescribed form by his commanding officer in front of his unit or such portion thereof as may be present, or by any other prescribed person.

(2) The form of oath or affirmation prescribed under this section shall contain a promise that the person to be attested will be faithful to His Majesty, his heirs and successors, and that he will serve in the Indian Air Force and go wherever he is ordered by air, land or sea, and that he will obey all commands of any officer set over him, even to the peril of his life.

(3) The fact of an enrolled person having taken the oath or affirmation directed by this section to be taken shall be entered on his enrolment paper, and authenticated by his signature and by the signature of the officer administering the oath or affirmation.

Dismissal by Governor-General in Council

13. The Governor-General in Council may at any time dismiss from the service any person subject to this Act.

Dismissal by the Air Officer Commanding or prescribed officer.

14. The Air Officer Commanding His Majesty's Air Forces in India, or any prescribed officer, may at any time dismiss from the service any person subject to this Act other than an officer.

Discharge.

15. The prescribed authority may, in conformity with any rules prescribed in this behalf, discharge from service any person subject to this Act.

Certificate to person dismissed or discharged.

16. Any enrolled person who is dismissed or discharged from the service shall be furnished by his commanding officer with a certificate setting forth—

(a) the authority dismissing or discharging him;

(b) the cause of his dismissal or discharge; and

(c) the full period of his service in the Indian Air Force.

Discharge and dismissal out of India.

17. (1) Any enrolled person who is entitled under the conditions of his enrolment to be discharged, or whose discharge is ordered by competent authority, and who, when he is so entitled or ordered to be discharged, is serving out of India, and requests

to be sent to India, shall, before being discharged, be sent to India with all convenient speed.

(2) Any person subject to this Act who is dismissed from the service and who, when he is so dismissed, is serving out of India, shall be sent to India with all convenient speed:

Provided that, where any such person is sentenced to dismissal combined with any other punishment, such other punishment, or, in the case of a sentence of imprisonment, a portion of such other punishment, may be inflicted before he is sent to India.

18. (1) The Air Officer Commanding His Majesty's Air Forces in India, or any prescribed officer, may at any time reduce any warrant officer or any non-commissioned officer to a lower grade or to a lower rank or to the ranks, or any airman other than a warrant officer or non-commissioned officer to a lower class in the ranks. Reduction.

(2) The commanding officer of an acting non-commissioned officer may order him to revert to his permanent grade as a non-commissioned officer or, if he has no permanent grade above the ranks, to the ranks.

CHAPTER III.

PUNISHMENTS AND PENAL DEDUCTIONS.

19. Punishments may be inflicted in respect of offences committed by persons subject to this Act, and convicted by court-martial, according to the scale following, that is to say,— Punishments.

(*a*) death;

(*b*) imprisonment, which shall be of two degrees, namely:—

(*i*) long imprisonment, which shall be rigorous and for a term not less than three years and not exceeding fourteen years, and

(*ii*) short imprisonment, which may be rigorous or simple, for a term not exceeding two years;

(*c*) in the case of airmen, detention for a term not exceeding two years;

(*d*) dismissal from the service;

(*e*) in the case of officers and warrant officers' suspension from rank, pay and allowances for a period not exceeding two months;

(*f*) reduction, in the case of a warrant officer, or a non-commissioned officer, to a lower grade, or to a lower rank or to the ranks;

(*g*) in the case of officers, warrant officers and non-commissioned officers, forfeiture of seniority of rank.

(*h*) in the case of officers, warrant officers and non-commissioned officers, reprimand or severe reprimand;

(*i*) forfeitures and stoppages as follows, namely:—

(i) forfeiture of service for the purpose of promotion, increased pay, pension or any other prescribed purpose;

(ii) forfeiture of any military or air force decoration or military or air force reward;

(iii) forfeiture, in the case of a person sentenced to dismissal from the service, of all arrears of pay and allowances due to him at the time of such dismissal;

(iv) stoppages of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good;

(v) on active service, forfeiture of pay and allowances for a period not exceeding three months.

Power to award lower punishments.

20. Where in respect of any offence under this Act there is specified a particular punishment, there may be awarded in respect of that offence instead of such particular punishment (but subject to the other provisions of this Act as to punishments and regard being had to the nature and degree of the offence) any one punishment lower in the above scale than the particular punishment.

Field punishment.

21. (1) Where any person, subject to this Act and under the rank of warrant officer, on active service is guilty of any offence, it shall be lawful for a court-martial to award for that offence any such punishment as may be prescribed as a field punishment. Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb.

(2) Field punishment shall, for the purpose of commutation, be deemed to stand in the scale of punishments next below dismissal.

Combination of punishments.

22. A sentence of a court-martial may award, in addition to or without any one other punishment, any one or more of the punishments specified in clauses (*d*), (*f*), (*h*) and (*i*) of section 19.

Reduction of non-commissioned officers and warrant officers to ranks.

23. A warrant officer or non-commissioned officer sentenced by court-martial to imprisonment, detention, field punishment or dismissal from the service, shall be deemed to be reduced to the ranks.

Retention in the ranks of person convicted on active service.

24. When any enrolled person on active service has been sentenced by court-martial to dismissal or to imprisonment, whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and where such person has been sentenced to imprisonment, such service shall be reckoned as part of his term of imprisonment.

Minor punishments.

25 (1) The Governor-General in Council may prescribe the minor punishments to which persons subject to this Act shall be

liable without the intervention of a court-martial, and the officer or officers by whom, and the extent to which, such minor punishments may be awarded.

(2) Detention and, in the case of persons subject to this Act on active service, any prescribed field punishment may be specified as minor punishments:

Provided that—

(*a*) the term of such detention or field punishment shall not exceed twenty-eight days; and

(*b*) detention or field punishment shall not be awarded to any person of or above the rank of non-commissioned officer, or who, when he committed the offence in respect of which it is awarded, was of or above such rank.

(3) The provisions of sections 77, 78 and 79 shall apply to the proceedings of officers empowered to award minor punishments under this section as if such officers were courts-martial.

Deductions from pay and allowances.

26. (1) The following penal deductions may be made from the pay and allowances of an officer of the Indian Air Force, that is to say,—

(*a*) all pay and allowances due to an officer who absents himself without leave or overstays the period for which leave of absence has been granted to him, unless a satisfactory explanation has been given to his commanding officer and has been approved by the Governor-General in Council;

(*b*) any sum required to make good such compensation for any expenses, loss, damage or destruction occasioned by the commission of any offence as may be determined by the court-martial by whom he is convicted of such offence;

(*c*) any sum required to make good the pay of any officer or airman which he has unlawfully retained or unlawfully refused to pay;

(*d*) any sum required to make good any loss, damage or destruction of public or service property which, after due investigation, appears to the Governor-General in Council to have been occasioned by any wrongful act or negligence on the part of the officer.

(2) The following penal deductions may be made from the pay and allowances of an airman, that is to say,—

(*a*) all pay and allowances for every day of absence either on desertion or without leave or as a prisoner of war, and for every day of imprisonment or detention awarded by a criminal court, a court-martial or an officer exercising authority under section 25, or of field punishment, awarded by a court-martial or such officer;

(*b*) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards

convicted by a criminal court or court-martial, or on a charge of absence without leave for which he is afterwards awarded imprisonment, detention or field punishment by an officer exercising authority under section 25;

(*c*) all pay and allowances for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by an offence under this Act committed by him;

(*d*) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be prescribed;

(*e*) all pay and allowances ordered by a court-martial to be suspended or forfeited;

(*f*) any sum ordered by a court-martial to be stopped;

(*g*) any sum required to make good such compensation for any expenses caused by him, or for any loss of or damage or destruction done by him to any arms, ammunition, equipment, clothing, instruments, service necessaries, or military decoration, or to any buildings or property, as may be awarded by his commanding officer;

(*h*) any sum required to pay a fine awarded by a criminal court, a court-martial exercising jurisdiction under section 58 or an officer exercising authority under section 25:

Provided that the total deductions from the pay and allowances of a person subject to this Act made under clauses (*e*) to (*g*), both inclusive, shall not (except in the case of a person sentenced to dismissal)) exceed in any one month one-half of his pay and allowances for that month.

Explanation.—For the purposes of clauses (*a*) and (*b*)—

(*i*) no person shall be treated as absent, imprisoned, or detained, unless the absence, imprisonment, or detention has lasted six hours or upwards, except where the absence prevented the absentee from fulfilling any air force duty which was thereby thrown on some other person;

(*ii*) a period of absence, imprisonment, or detention which commences before and ends after midnight may be reckoned as a day;

(*iii*) the number of days shall be reckoned as from the time when the absence, imprisonment, or detention commences; and

(*iv*) no period of less than twenty-four hours shall be reckoned as more than one day.

Deductions from public

27. Any sum authorised by this Act to be deducted from the pay and allowances of any person may, without prejudice to any

other mode of recovering the same, be deducted from any public money due to him other than a pension.

money other than pay.

Remission of deductions.

28. Any deduction from pay and allowances authorised by this Act may be remitted in such manner and to such extent and by such authority as may from time to time be prescribed.

Provision for dependants of prisoners of war.

29. In the case of all persons subject to this Act being prisoners of war, whose pay and allowances have been forfeited under section 26, but in respect of whom a remission has been made under section 28, it shall be lawful, notwithstanding any provision in any enactment or any rule of law to the contrary, for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

Unauthorised deductions forbidden.

30. The pay of an officer or airman of the Indian Air Force shall be paid without any deduction other than the deductions authorised by this Act or by any other enactment for the time being in force or prescribed by the Governor-General-in-Council.

CHAPTER IV.

AIR FORCE OFFENCES.

Service offences punishable with death.

31. Any person subject to this Act who—

(*a*) shamefully abandons or delivers up any garrison, fortress, post, or guard committed to his charge, or which it is his duty to defend, or

(*b*) shamefully casts away his arms, ammunition or tools in the presence of the enemy, or

(*c*) treacherously holds correspondence with or gives intelligence to the enemy, or treacherously or through cowardice sends a flag of truce to the enemy, or

(*d*) assists the enemy with arms, ammunition, or supplies, or knowingly harbours or protects an enemy not being a prisoner, or

(*e*) having been made a prisoner of war, voluntarily serves with or voluntarily aids the enemy, or

(*f*) voluntarily does when on active service any act calculated to imperil the success of His Majesty's Forces or any part thereof, or

(*g*) treacherously or shamefully causes the capture or destruction by the enemy of any of His Majesty's aircraft, or

(*h*) treacherously gives any false air signal or alters or interferes with any air signal, or

(*i*) when ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air, treacherously or shamefully fails to use his utmost exertions to carry such orders into effect,

shall be punishable with death.

Sevice offences punishable with long imprisonment.

32. Any person subject to this Act who, on active service,—

(*a*) without orders from his superior officer leaves the ranks in order to secure prisoners or horses, or on pretence of taking wounded men to the rear, or

(*b*) without orders from his superior officer wilfully destroys or damages any property, or

(*c*) is taken prisoner by want of due precaution or through disobedience of orders or wilful neglect of duty, or, having been taken prisoner, fails to rejoin His Majesty's service when able to do so, or

(*d*) without due authority either holds correspondence with, or gives intelligence, or sends a flag of truce to the enemy, or

(*e*) by word of mouth, or in writing, or by signals, or otherwise spreads reports calculated to create unnecessary alarm or despondency, or

(*f*) in action, or previously to going into action, uses words calculated to create alarm or despondency, or

(*g*) negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft, or

(*h*) when ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air, negligently or through other default fails to use his utmost exertions to carry such orders into effect, or

(*i*) misbehaves before the enemy in such manner as to show cowardice,

shall be punishable with long imprisonment.

Service offences punishable more severely if committed on active service.

33. (1) Any person subject to this Act who treacherously makes known the watchword to any person not entitled to receive it, or treacherously gives a watchword different from what he received, shall, if he commits the offence on active service, be punishable with death, and, if he commits the offence not on active service, with short imprisonment.

(2) Any person subject to this Act who—

(*a*) without due authority alters or interferes with any air signal, or

(*b*) forces a safeguard, or

(*c*) forces or strikes a sentinel, or

(*d*) breaks into any house or other place in search of plunder, or

(*e*) being an airman acting as sentinel, sleeps or is intoxicated, or

(*f*) without orders from his superior officer leaves his guard, piquet, patrol or post, or

(*g*) by discharging fire arms, making signals, using words, or by any means whatever, intentionally occasions false alarms, or

(*h*) being an airman acting as sentinel, leaves his post before he is regularly relieved,

shall, if he commits the offence on active service, be punishable with long imprisonment and, if he commits the offence not on active service, with short imprisonment.

Service offences punishable with short imprisonment.

34. Any person subject to this Act who—

(*a*) by discharging fire arms, making signals, using words, or by any means whatever, negligently occasions false alarms, or

(*b*) makes known the watchword to any person not entitled to receive it, or, without good and sufficient cause, gives a watchword different from what he received, or

(*c*) impedes the provost-marshal or any assistant provost-marshal or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of the provost-marshal, or, when called on, refuses to assist in the execution of his duty the provost-marshal, the assistant provost-marshal, or any such officer, non-commissioned officer or other person, or

(*d*) uses criminal force to or commits an assault on any person bringing provisions or supplies to the forces, or commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving, or

(*e*) irregularly detains or appropriates to his own unit or detachment any provisions or supplies proceeding to the forces, contrary to orders issued in that respect,

shall be punishable with short imprisonment.

Mutiny.

35. Any person subject to this Act who—

(*a*) begins, incites, causes or conspires with any other persons to cause any mutiny in any of His Majesty's naval, military or air forces, or

(*b*) joins in, or, being present, does not use his utmost endeavours to suppress, any such mutiny, or

(*c*) knowing or having reason to believe in the existence of any such mutiny, or of any intention to commit such mutiny, or of any such conspiracy, does not without delay give information thereof to his commanding or other superior officer,

shall be punishable with death.

Insubordination punishable with long imprisonment.

36. Any person subject to this Act who—

(*a*) uses criminal force to or assaults his superior officer, being in the execution of his office, or

(*b*) disobeys in such manner as to show a wilful defiance of authority any lawful command give personally by his superior officer in the execution of his office,

shall be punishable with long imprisonment.

Insubordination punishable more severely if committed on active service.

37. Any person subject to this Act who—

(*a*) uses criminal force to or assaults his superior officer, or

(*b*) uses threatening or insubordinate language to his superior officer, or

(*c*) disobeys any lawful command given by his superior officer,

shall, if he commits the offence on active service, be punishable with long imprisonment, and, if he commits the offence not on active service, with short imprisonment.

Insubordination punishable with short imprisonment.

38. Any person subject to this Act who—

(*a*) being concerned in any quarrel, affray or disorder, refuses to obey any officer (though of inferior rank) who orders him into arrest, or uses criminal force to or assaults any such officer, or

(*b*) uses criminal force to or assaults any person, whether subject to this Act or not, in whose custody he is placed, whether he is or is not his superior officer, or

(*c*) resists an escort whose duty it is to apprehend him or to have him in charge, or

(*d*) being an airman, breaks out of barracks, camp or quarters, or

(*e*) neglects to obey any general, local or other orders (not being orders in the nature of a rule or regulation published for the general information and guidance of the Indian Air Force),

shall be punishable with short imprisonment.

Desertion.

39. Any person subject to this Act who deserts or attempts to desert the service shall, if he commits the offence when on active service or under orders for active service, be punishable with long imprisonment, and, if he commits the offence under any other circumstances, with short imprisonment.

Fradulent enlistment.

40. Any person subject to this Act who, when belonging to the Indian Air Force, without having obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist, enrol or enter, enrols himself, or enlists in or enters any other of His Majesty's air forces, or any of His Majesty's military or naval forces, or re-enrols himself in the Indian Air Force, shall be deemed to be guilty of fraudulent enlistment, and shall be punishable with short imprisonment.

Connivance at desertion.

41. Any person subject to this Act who, being cognisant of any desertion or intended desertion of a person subject to this Act, does not forthwith give notice to his commanding officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended, shall be punishable with short imprisonment.

Absence from duty without leave.

42. Any person subject to this Act who—

(*a*) absent himself without leave, or

(*b*) fails to appear at the time fixed at a parade or place appointed for exercise or duty, or goes from thence without leave before he is relieved, or without necessity quits his duty or duties, or

(*c*) being an airman, when in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general, local or other order, without a pass or written leave from his superior officer, or

(*d*) being an airman, without leave from his superior officer, or without due cause, absents himself from any school when duly ordered to attend there,

shall be punishable with short imprisonment.

Scandalous conduct of officer.

43. Any officer or warrant officer subject to this Act who behaves in a manner unbecoming his position and character shall, notwithstanding anything contained in section 20, be dismissed from the service.

Scandalous conduct punishable with long imprisonment.

44. Any person subject to this Act who—

(*a*) steals any property of Government, or dishonestly misappropriates or converts to his own use any property of Government entrusted to him, or

(*b*) dishonestly receives or retains any property in respect of which an offence under clause (*a*) has been committed, knowing or having reason to believe it to have been stolen or dishonestly misappropriated or converted, or

(*c*) wilfully destroys or damages any property of Government entrusted to him, or

(*d*) steals any property of any air force mess, band or institution, or of any person subject to this Act or serving with or attached to the Indian Air Force, or dishonestly misappropriates or converts to his own use any such property entrusted to him, or

(*e*) dishonestly receives or retains any property in respect of which an offence under clause (*d*) has been committed, knowing or having reason to believe it to have been stolen or dishonestly misappropriated or converted,

shall be punishable with long imprisonment.

Scandalous conduct punishable with short imprisonment.

45. Any person subject to this Act who—

(*a*) does any act, not otherwise specified in this Act, with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person, or

(*b*) malingers or feigns or produces disease or infirmity himself, or intentionally delays his cure or aggravates his disease or infirmity, or

(*c*) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person, or

(*d*) commits any offence of a cruel, indecent or unnatural kind, or attempts to commit any such offence and does any act towards its commission,

shall be punishable with short imprisonment.

Indoxication.

46. Any person subject to this Act who is found in a state of intoxication, whether on duty or not on duty, shall be punishable, if an officer, with dismissal from the service, and, if an airman, with short imprisonment:

Provided that where the offence of being intoxicated is committed by an airman not on active service or on duty, the sentence imposed shall not exceed detention for a period of six months.

Permitting escape of prisoner.

47. Any person subject to this Act who—

(*a*) when in command of a guard, piquet, patrol or post, releases without proper authority, whether voluntarily or otherwise, any person committed to his charge, or

(*b*) voluntarily or negligently allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard,

shall be punishable, if he has acted voluntarily, with long imprisonment, and, if he has not acted voluntarily, with short imprisonment.

Irregular keeping in custody.

48. Any person subject to this Act who—

(*a*) unnecessarily detains a person in arrest or confinement without bringing him to trial or fails to bring his case before the proper authority for investigation, or

(*b*) having committed a person to the custody of any officer, non-commissioned officer, provost-marshal, or assistant provost-marshal, fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost-marshal, or assistant provost-marshal, into whose custody the person is committed, an account in writing signed by himself of the offences with which the person so committed is charged, or

(*c*) being in command of the guard, does not as soon as he is relieved from his guard or duty, or if he is not sooner relieved, within twenty-four hours after a person is committed to his charge, give in writing to the officer to whom he may be ordered to report that person's name and offence so far as known to him, and the name and rank of the officer or other person by whom he was charged, accompanied, if he has received the account as above in this section mentioned, by that account,

shall be punishable with short imprisonment.

Escape from custody.

49. Any person subject to this Act, who, being in lawful custody, escapes or attempts to escape, shall be punishable with short imprisonment.

Offences relating to property.

50. Any person subject to this Act who—

(a) commits extortion, or without proper authority exacts from any person carriage, porterage or provisions, or

(b) in time of peace, commits house-breaking for the purpose of plundering, or plunders, destroys or damages any field, garden or other property, or

(c) voluntarily or negligently kills, injures, makes away with, ill-treats or loses any animal used in the public service, or

(d) makes away with, or is concerned in making away with, any arms, ammunition, equipments, instruments, tools, clothing or service necessaries issued to him or required to be maintained by him, or

(e) loses by neglect anything mentioned in clause (d), or

(f) wilfully damages anything mentioned in clause (d) or any property belonging to Government, or to any air force mess, band or institution, or to any person subject to air force law, or serving with, or attached to the Indian Air Force, or

(g) sells, pawns, destroys or defaces any medal or decoration granted to him,

shall be punishable with short imprisonment.

False accusations and offences relating to documents.

51. Any person subject to this Act who—

(a) makes a false accusation against any person subject to this Act, knowing such accusation to be false, or

(b) in making any complaint under section 120, knowingly makes any false statement affecting the character of any person subject to this Act, or knowingly and wilfully suppresses any material fact, or

(c) obtains or attempts to obtain for himself or for any other person any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any document or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement, or

(d) knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging to such men or to Government or to any person in or attached to the Indian Air Force, or who, wilfully or negligently, omits or refuses to make or send any return or report of the matters aforesaid,

shall be punishable with short imprisonment.

False answers on enrolment.

52. Any person having become subject to this Act who is discovered to have made a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer shall be punishable with short imprisonment.

Offences relating to courts-martial.

53. Any person subject to this Act who—

(*a*) when duly summoned to attend as a witness before a court-martial, intentionally omits to attend or refuses to be sworn or affirmed or to answer any question, or to produce or deliver up any document or other thing which he may have been duly warned and called upon to produce or deliver up, or

(*b*) intentionally offers any insult or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign or gesture, or is insubordinate or violent in the presence of, a court-martial while sitting, or

(*c*) having been duly sworn or affirmed before any court-martial or other court or officer authorised by this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true,

shall be punishable with short imprisonment.

Offences relating to aircraft.

54. Any person subject to this Act who—

(*a*) voluntarily or negligently damages, destroys or loses any of His Majesty's aircraft or aircraft material, or

(*b*) is guilty of any act or omission likely to cause such damage, destruction or loss, or

(*c*) is guilty of any act or omission (whether voluntary or otherwise) which causes damage to or destruction of any public property by fire, or

(*d*) without lawful authority disposes of any of His Majesty's aircraft or aircraft material, or

(*e*) is guilty of any act or omission in flying or in the use of any aircraft, or in relation to any aircraft or aircraft material which causes or is likely to cause loss of life or bodily injury to any person, or

(*f*) during a state of war voluntarily and without proper occasion or negligently causes the sequestration, by or under the authority of a neutral State, or the destruction in a neutral State of any of His Majesty's aircraft,

shall be punishable, if he has acted voluntarily, with long imprisonment, and, if he has not acted voluntarily, with short imprisonment.

Miscellaneous air force offences.

55. Any person subject to this Act who—

(*a*) strikes or otherwise ill-treats any person subject to this Act being his subordinate in rank or position, or

(*b*) being in command at any post or on the march and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority, or

(*c*) by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person, or

(*d*) attempts to commit suicide and does any act towards the commission of such offence, or

(*e*) being below the rank of warrant officer, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to or returning from, any town or bazar, carrying a sword, bludgeon or other offensive weapon, or

(*f*) directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service, or

(*g*) is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and air force discipline,

shall be punishable with short imprisonment.

Attempts.

56. Any person subject to this Act who attempts to commit an air force offence or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence may, where no express provision is made by this Act for the punishment of such attempt, be punished with the punishment provided in this Act for such offence.

Abetment.

57. Any person subject to this Act who abets the commission of any air force offence, or of any offence punishable under the Army Act, the Air Force Act or the Indian Army Act, 1911, such offence being of the same nature as any air force offencee, shall be punishable with the punishment provided in this Act for such air force offence.

Civil offences.

58. (1) Any person subject to this Act who at any place in or beyond British India commits any civil offence shall be deemed to be guilty of an air force offence, and, if charged therewith under this section, shall be liable to be tried by court-martial and to be punished as follows, that is to say:—

(*a*) if the offence is one which would be punishable under the law of British India with death or with transportation, he shall be liable to suffer any punishment, other than whipping, assigned for the offence by the law of British India; and

(*b*) in other cases, he shall be liable to suffer any punishment, other than whipping, assigned for the offence by the law of British India, or such punishment as might be awarded to him in pursuance of this Act in respect of an act prejudicial to good order and air force discipline:

Provided that a person subject to this Act who, at any place in British India or at any place in which the Governor-General in Council exercises powers and jurisdiction by virtue of the Indian (Foreign Jurisdiction) Order in Council, 1902, and while not on active service, commits an offence of murder or culpable homicide against a person not subject to this Act or an offence of rape, shall not be deemed to be guilty of an air force offence and shall not be tried by court-martial.

(2) The powers of a court-martial to charge and to punish any person under this section shall not be affected by reason of the civil offence with which such person is charged being also an air force offence.

CHAPTER V.

Arrest and Proceedings before Trial.

Custody of offenders.

59. (1) Any person subject to this Act who is charged with an offence may be taken into air force custody.

(2) Any such person may be ordered into air force custody by any superior officer.

(3) The charge against every person taken into air force custody shall, without unnecessary delay, be investigated by the proper authority, and as soon as may be, either proceedings shall be taken for punishing the offence, or such person shall be discharged from custody.

Arrest by civil authorities.

60. Whenever any person subject to this Act, who is accused of any offence under this Act, is within the jurisdiction of any Magistrate or police-officer, such Magistrate or officer shall aid in the apprehension and delivery to air force custody of such person upon receipt of a written application to that effect signed by his commanding officer.

Capture of deserters.

61. (1) Whenever any person subject to this Act deserts, his commanding officer shall give written information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a Magistrate, and shall deliver the deserter, when apprehended, to air force custody.

(2) Any police-officer may arrest without warrant any person reasonably believed to be subject to this Act and to be

travelling without authority, and shall bring him without delay before the nearest Magistrate, to be dealt with according to law.

Inquiry on absence without leave

62. (1) When any person subject to this Act has been absent without due authority from his duty for a period of twenty-one days, a court of inquiry shall, as soon as practicable, be assembled and, upon oath or affirmation administered in the prescribed manner, shall inquire respecting the absence of the person, and the deficiency, if any, of property of the Goverment entrusted to his care, or of his arms, ammunition, equipments, instruments, clothing or necessaries; and, if satisfied of the fact of such absence without due authority or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any; and the commanding officer of the unit to which the person belongs shall enter in the court-martial book of the unit a record of the declaration.

(2) If the person declared absent does not afterwards surrender, or is not apprehended, he shall, for the purposes of this Act, be deemed to be a deserter.

Provost-marshal.

63. For the prompt and instant repression of irregularities and offences committed in the field or on the march, provost-marshals may be appointed by the Air Officer Commanding His Majesty's Air Forces in India; and the powers and duties of such provost-marshals shall be regulated according to the established custom of war and the rules of the service.

Duties and powers.

64. The duties of a provost-marshal so appointed are to take charge of persons in air force custody, to preserve good order and discipline and to prevent breaches thereof by persons subject to this Act.

He may at any time arrest and detain for trial any person subject to this Act who commits an offence and may also carry into effect any punishments to be inflicted in pursuance of the sentence of a court-martial.

CHAPTER VI.

CONSTITUTION, JURISDICTION AND POWERS OF COURTS-MARTIAL.

Kinds of courts-martial.

65. For the purposes of this Act there shall be three kinds of courts-martial, that is to say—

(1) general courts-martial;

(2) district courts-martial, and

(3) field general courts-martial.

Power to convene general courts-martial.

66. A general court-martial may be convened by the Governor-General-in-Council, or by any officer empowered in this behalf by warrant of the Governor-General-in-Council.

Power to convene district courts-martial.

67. A district court-martial may be convened by any authority having power to convene a general court-martial, or by any officer empowered in this behalf by warrant of any such authority.

Limitation of powers of convening authorities.

68. A warrant issued under section 66 or section 67 may contain such restrictions, reservations or conditions as the authority issuing it may think fit.

Convening of field general courts-martial.

69. The following authorities shall have power to convene a field general court-martial, that is to say,—

(*a*) an authority empowered in this behalf by an order of the Governor-General-in-Council;

(*b*) on active service, the commanding officer of the forces in the field, or any officer empowered by him in this behalf;

(*c*) the commanding officer of any detached portion of the Indian Air Force on active service, when, in his opinion, it is not practicable, with due regard to discipline or the exigencies of the service, that an offence should be tried by a general court-martial, and circumstances prevent a reference to higher authority.

Composition of general courts-martial.

70. A general court-martial shall consist of not less than five officers each of whom must have held a commission during not less than three whole years and of whom not less than four must be of a rank not below that of a flight lieutenant.

Composition of district courts-martial.

71. A district court-martial shall consist of not less than three officers.

Composition of field general courts-martial.

72. A field general court-martial shall consist of not less than three officers.

Dissolution of courts-martial.

73. (1) If a court-martial after the commencement of a trial is reduced below the smallest number of officers of which it is by this Act required to consist, it shall be dissolved.

(2) If, on account of the illness of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(3) Where a court-martial is dissolved under this section, the accused may be tried again.

Jurisdiction and powers of courts-martial generally.

74. Save as otherwise provided by or under this Act, courts-martial shall have—

(*a*) jurisdiction to try and to punish all air force offences, and all civil offences committed by persons subject to this Act;

(*b*) exclusive jurisdiction to try all air force offences which are not also civil offences; and

(c) exclusive power to award the punishments specified in this Act.

Jurisdiction and powers of general and field general courts-martial

75. A general or field general court-martial shall have power to try any person subject to this Act for any offence made punishable therein, and to pass any sentence authorised by this Act.

Jurisdiction and powers of district courts-martial.

76. A district court-martial shall have power to try any person subject to this Act other than an officer for any offence made punishable therein, and to pass any sentence authorised by this Act other than a sentence of death or imprisonment for a term exceeding two years.

Prohibition of second trial.

77. When any person subject to this Act has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been summarily dealt with for an offence under section 25, he shall not be liable to be tried again for the same offence by a court-martial.

Limitation of trial.

78. No trial by court-martial of any person subject to this Act for any offence (other than an offence of mutiny, desertion or fraudulent enlistment) shall be commenced after the expiration of three years from the date of such offence, and no such trial for an offence of desertion (other than desertion on active service) or of fraudulent enlistment shall be commenced if the person in question has, subsequently to the commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of His Majesty's regular forces.

Explanation.—For the purposes of this section "mutiny" means any of the offences specified in section 35.

Place of trial.

79. Any person subject to this Act who commits any offence against it may be tried and punished for such offence in any place whatever.

Order in case of concurrent jurisdiction of criminal court and court-martial.

80. When a criminal court and a court-martial have each jurisdiction in respect of a civil offence, it shall be in the discretion of the prescribed air force authority to decide before which court the proceedings shall be instituted, and, if that authority decides that they shall be instituted before a court-martial, to direct that the accused person shall be detained in air force custody.

Power of criminal court to require delivery of offender.

81. (1) When a criminal court having jurisdiction is of opinion that proceedings ought to be instituted before itself in respect of any civil offence, it may, by written notice, require the prescribed air force authority at the option of such authority either to deliver over the offender to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Governor-General in Council.

(2) In every such case the said authority shall either deliver over the offender in compliance with the requisition or shall forthwith refer the question as to the court before which the proceedings are to be instituted for the determination of the Governor-General in Council, whose order upon such reference shall be final.

Trial by court-martial no bar to subsequent trial by criminal court.

82. (1) Notwithstanding anything contained in section 26 of the General Clauses Act, 1897, or in section 403 of the Code of Criminal Procedure, 1898, a person convicted or acquitted by a court-martial may be afterwards tried by a criminal court for the same offence or on the same facts.

(2) If a person sentenced by a court-martial in pursuance of this Act to punishment for an offence is afterwards tried by a criminal court for the same offence or on the same facts, that court shall, in awarding punishment, have regard to the air force punishment he may already have undergone.

CHAPTER VII.

PROCEDURE OF COURTS-MARTIAL.

President.

83. At every court-martial the senior member shall sit as president.

Judge Advocate.

84. Every general court-martial shall, and every district court-martial may, be attended by a judge advocate, who shall be either an officer belonging to the department of the Judge Advocate General in India, or, if no such officer is available, a fit person appointed by the convening officer.

Challenges.

85. (1) At all trials by courts-martial, as soon as the court is assembled, the names of the president and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

(2) If the accused objects to any such officer, his objection, and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

(3) If the objection is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the accused to object.

(4) When no challenge is made, or when challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

Voting of members.

86. (1) Every decision of a court-martial shall be passed by an absolute majority of votes; and where there is an equality of votes, as to either finding or sentence, the decision shall be in favour of the accused:

Provided that no sentence of death shall be passed without the concurrence of two-thirds at the least of the members of the court.

(2) In matters other than a challenge or the finding or sentence, the president shall have a casting vote.

87. An oath or affirmation in the prescribed form shall be administered to every member of every court-martial and to the judge advocate at the beginning of the trial. Oaths of president and members.

88. Every person giving evidence at a court-martial shall be examined on oath or affirmation, and shall be duly sworn or affirmed in the prescribed form. Oaths of witnesses.

89. (1) The convening officer, the president of the court, the judge advocate, or the commanding officer of the accused person, may, by summons under his hand, require the attendance before the court, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing. The summoning of witnesses and production of documents.

(2) In the case of a witness amenable to air force or military authority, the summons shall be sent to the officer commanding the corps, unit, department or detachment to which he belongs, and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be or reside, and such Magistrate shall give effect to the summons as if the witness were required in the court of such Magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with reasonable precision.

(5) Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to any document in the custody of the postal or telegraph authorities.

(6) If any document in such custody is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any court-martial, such Magistrate or Court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court may direct.

(7) If any such document is, in the opinion of any other Magistrate or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the postal or telegraph authorities, as the case may be, to cause search to be made for and to detain such document pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

Commissions to obtain evidence.

90. (1) Whenever, in the course of a trial by court-martial, it appears to the court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Judge Advocate General in order that a commission to take the evidence of such witness may be issued.

(2) The Judge Advocate General may then, if he thinks necessary, issue a commission to any Presidency Magistrate, District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(3) When the witness resides in the territories of any prince or chief in India in which there is an official representing the British Indian Government, the commission may be issued to such official

(4) The Magistrate or official to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under the Code of Criminal Procedure, 1898.

(5) Where the commission is issued to such official as is mentioned in sub-section (3), he may delegate his powers and duties under the commission to any official subordinate to him whose powers are not less than those of a Magistrate of the first class in British India.

(6) When the witness resides out of India, the commission may be issued to any British consular officer, British Magistrate or other British official competent to administer an oath or affirmation in the place where such witness resides.

(7) The prosecutor and the accused person in any case in which a commission is issued may respectively forward any interrogatories in writing which the court may think relevant to the issue, and the Magistrate or official to whom the commission is issued shall examine the witness upon such interrogatories.

(8) The prosecutor and the accused person may appear before such Magistrate or official by pleader or, except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

(9) After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Judge Advocate General.

(10) On receipt of a commission and deposition returned under sub-section (9), the Judge Advocate General shall forward

the same to the court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person; and the commission, the return thereto and the deposition shall be open to the inspection of the prosecutor and the accused person, and may, subject to all just exceptions, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the court.

(11) In every case in which a commission is issued under this section the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

Explanation.—In this section, the expression "Judge Advocate General" means the Judge Advocate General in India and includes a Deputy Judge Advocate General.

Conviction of one offence permissible on charge of another.

91. (1) A person charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged before a court-martial with attempting to desert may be found guilty of desertion or of being absent without leave.

(3) A person charged before a court-martial with using criminal force may be found guilty of assault.

(4) A person charged before a court-martial with using threatening language may be found guilty of using insubordinate language.

(5) A person charged before a court-martial with any of the offences specified in clause (*a*), clause (*b*), clause (*d*) or clause (*e*) of section 44 may be found guilty of any other of these offences with which he might have been charged.

(6) A person charged before a court-martial with an offence punishable under section 58 may be found guilty of any other offence of which he might have been found guilty if the provisions of the Code of Criminal Procedure, 1898, were applicable.

(7) A person charged before a court-martial with any other offence under this Act may, on failure of proof of an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment.

(8) A person charged before a court-martial with any offence under this Act may be found guilty of having attempted to commit or of abetment of that offence although the attempt or abetment is not separately charged.

General rule as to evidence.

92. The Indian Evidence Act, 1872, shall, subject to the provisions of this Act, apply to all proceedings before a court-martial.

Judicial notice.

93. A court-martial may take judicial notice of any matter within the general, naval, military or air force knowledge of the members.

Presumption as to signatures.

94. In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the civil, military or air force service of the Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

Enrolment paper as evidence.

95 Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given. The enrolment of such person may be proved by the production of a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper.

Presumption as to certain documents.

96. (1) A letter, return or other document respecting the service of any person in, or the dismissal or discharge of any person from, any portion of His Majesty's Forces, or respecting the circumstance of any person not having served in, or belonged to, any portion of His Majesty's Forces, if purporting to be signed by or on behalf of the Governor-General in Council or the Commander-in-Chief in India or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document.

(2) An Army List, Air Force List or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers or warrant officers therein mentioned, and of any appointment held by such officers or warrant officers and of the corps, unit, battalion. arm, branch or department of the service to which such officers or warrant officers belong.

(3) Where a record is made in any service book in pursuance of this Act or of any rules made thereunder or otherwise in pursuance of air force duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated.

(4) A copy of any record in any service book purporting to be certified to be a true copy by the officer having the custody of such book shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a provost-marshal, assistant provost-marshal or other officer, or any portion of His Majesty's Forces, a certificate purporting to be signed by such provost-marshal, assistant provost-marshal or other officer, or by the commanding officer of that portion of His Majesty's Forces and stating the fact, date and place of such surrender or apprehension, shall be evidence of the matters so stated.

(6) When any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person

has surrendered himself into the custody of, or has been apprehended by, a police-officer not below the rank of an officer in charge of a police-station, a certificate purporting to be signed by such police-officer and stating the fact, date and place of such surrender or apprehension, shall be evidence of the matters stated.

(7) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report may be used as evidence in any proceeding under this Act.

Reference by accused to Government officer.

97. (1) If at any trial for desertion, absence without leave, overstaying leave or not rejoining when warned for service, the person tried states in his defence any sufficient or reasonable excuse for his unauthorised absence, and refers in support thereof to any officer in the civil, military or air force service of Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the court shall address such officer and adjourn until his reply is received.

(2) The written reply of any officer so referred to shall, if signed by him, be received in evidence and have the same effect as if made on oath before the court.

(3) If the court is dissolved before the receipt of such reply, or if the court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial by the same or another court-martial.

Evidence of previous convictions and service character.

98. (1) When any person subject to this Act has been convicted by a court-martial of any offence such court-martial may inquire into, and receive and record evidence of, any previous convictions of such person, either by a court-martial established under this Act or any other enactment or by a criminal court, and may further inquire into and record the service character of such person.

(2) Evidence received under this section may be either oral or in the shape of entries in, or certified extracts from, court-martial books or other official records; and it shall not be necessary to give notice before trial to the person tried that evidence as to his previous convictions or service character will be received.

Order for custody and disposal of property pending trial in certain cases.

99. When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a court-martial during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

CHAPTER VIII.

CONFIRMATION, REVISION, PARDON AND REMISSION OF SENTENCES.

Finding and sentence invalid without confirmation. 100. No finding or sentence of a general or district court-martial shall be valid except so far as it may be confirmed as provided by this Act

Power to confirm finding and sentence of general court-martial. 101. The findings and sentences of general courts-martial may be confirmed by the Governor-General in Council or by any officer empowered in this behalf by warrant of the Governor-General in Council.

Power to confirm finding and sentence of district court-martial. 102. The findings and sentences of district courts-martial may be confirmed by any authority having power to convene a general court-martial, or by any officer empowered in this behalf by warrant of any such authority.

Limitation of powers of confirming authorities. 103. A warrant issued under section 101 or section 102 may contain such restrictions, reservations or conditions as the authority issuing it may think fit

Confirmation of finding and sentence of field general court-martial. 104. (1) Save as provided in sub-sections (2) and (3), a finding and sentence of a field general court-martial shall not require to be confirmed, and may be carried out forthwith.

(2) The finding and sentence of a field general court-martial shall require to be confirmed—

(*a*) In the case of the trial of an officer,

(*b*) in the case of a sentence of death or of imprisonment for a term exceeding two years, and

(*c*) in any other case if so ordered by the convening authority.

(3) Such finding and sentence may be confirmed by the convening authority or, if the convening authority so directs, by an authority superior to the convening authority.

Power of confirming authority to mitigate, remit or commute sentences. 105. Subject to such restrictions as may be contained in any warrant issued under section 101 or section 102, a confirming authority may, if it confirms the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any punishment or punishments lower in the scale laid down in section 19.

Confirmation of finding and sentence on board ship. 106. When any person subject to this Act is tried and sentenced by court-martial while on board ship, the finding and sentence so far as not confirmed and executed on board ship may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

107. (1) Any finding or sentence of a court-martial which requires confirmation may be once revised by order of the confirming authority; and on such revision, the court, if so directed by the confirming authority, may take additional evidence. Revision of finding or sentence.

(2) The court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided that, if a general court-martial, it still consists of five officers, or, if a district court-martial, of three officers.

108. Where a sentence passed by a court-martial which has been confirmed, or which does not require confirmation, is found for any reason to be invalid, the authority which would have had power under section 110 to commute the punishment awarded by the sentence if it had been valid may pass a valid sentence: Substitution of valid for invalid sentence.

Provided that the punishment awarded by the sentence so passed shall not be higher in the scale of punishments than, or in excess of, the punishment awarded by the invalid sentence.

109. (1) Whenever, in the course of a trial by court-martial, it appears to the court that the person charged is of unsound mind and consequently incapable of making his defence, or that such person committed the act alleged, but was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the court shall record a finding accordingly, and the president of the court shall forthwith report the case to the confirming authority, or, in the case of a field general court-martial, to the prescribed officer. Provision where accused is a lunatic.

(2) A confirming authority to whom a case is reported under sub-section (1) may, if it does not confirm the finding, take steps to have the accused person tried by the same or another court-martial for the offence with which he was originally charged.

(3) A prescribed officer to whom a case is reported under sub-section (1) and a confirming authority confirming a finding in any case so reported to it shall order the accused person to be kept in custody in the prescribed manner, and, where the confirming authority is not itself the Governor-General in Council, shall report the case for the orders of the Governor-General in Council.

(4) On receipt of a report under sub-section (1) or sub-section (3), the Governor-General in Council may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

(5) Where an accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention, the prescribed officer may—

(*a*) if such person is in custody under sub-section (3), on the report of a medical officer that he is capable of making his defence, or

(*b*) if such person is detained under sub-section (4), on a certificate such as is referred to in section 473 of the Code of Criminal Procedure, 1898,

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged or, provided that the offence is a civil offence, by a criminal court.

(6) A copy of every order made by the prescribed officer under sub-section (5) shall forthwith be sent to the Governor-General in Council.

Pardons and remissions.

110. (1) When any person subject to this Act has been convicted by a court-martial of any offence, the Governor-General in Council or the prescribed officer may—

(*a*) either without conditions or upon any conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or

(*b*) mitigate the punishment awarded, or commute such punishment for any less punishment or punishments mentioned in this Act.

(2) If any condition on which a person has been pardoned or a punishment has been remitted is, in the opinion of the authority which granted the pardon or remitted the punishment, not fulfilled, such authority may cancel the pardon or remission, and thereupon the sentence of the court shall be carried into effect as if such pardon had not been granted or such punishment had not been remitted:

Provided that in the case of a person sentenced to imprisonment, such person shall undergo only the unexpired portion of his sentence.

(3) When under the provisions of section 23 a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purposes of this section, be treated as a punishment awarded by sentence of a court-martial.

CHAPTER IX.

EXECUTION OF SENTENCES AND DISPOSAL OF PROPERTY.

Sentence of death.

111. In awarding a sentence of death a court-martial shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead, or shall suffer death by being shot to death.

112. Whenever any person is sentenced under this Act to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the president.

Commencement of sentence of imprisonment.

113. Whenever any sentence of imprisonment is passed under this Act, or whenever any sentence so passed is commuted to imprisonment, the commanding officer of the person under sentence, or such other officer as may be prescribed, shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined, and shall forward him to such prison with the warrant:

Execution of sentence of imprisonment.

Provided that, in the case of a sentence of imprisonment for a period not exceeding three months, the confirming authority, or, in the case of a sentence which does not require confirmation, the court may direct that the sentence shall be carried out by confinement in air force custody:

Provided further that on active service a sentence of imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may, from time to time, appoint.

114. Whenever, in the opinion of the Air Officer Commanding His Majesty's Air Forces in India, any sentence or portion of a sentence of imprisonment cannot, for special reasons, conveniently be carried out in accordance with the provisions of section 113, such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

Execution of sentence of imprisonment in special cases.

115. When any sentence of detention is passed under this Act, or when any sentence so passed is commuted to detention, the punishment shall be carried out by detaining the offender in any military or air force detention barracks, detention cells or other military or air force custody.

Execution of sentence of detention.

116. Whenever an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil prison, a warrant in accordance with such order shall be forwarded by the prescribed officer to the officer in charge of the prison in which such person is confined.

Communication of certain orders to civil prison officers.

117. Where a sentence of transportation is imposed by court-martial under section 58, the offender, until he is transported, shall be dealt with in the same manner as if he had been sentenced to rigorous imprisonment, and shall be deemed to have been undergoing his sentence of transportation during the term of his imprisonment.

Offenders sentenced to transportation how dealt with until transported.

118. When a sentence of fine is imposed by a court-martial under section 58 whether the trial was held within British India or not, a copy of such sentence, signed and certified by the presi-

Execution of sentence of fine.

dent of the court or the officer holding the trial, as the case may be, may be sent to any Magistrate in British India, and such Magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898, for the levy of fines as if it was a sentence of fine imposed by such Magistrate.

Order for disposal of property regarding which offence committed.

119. (1) After the conclusion of a trial before any court-martial, the court or the authority confirming its finding or sentence or any authority superior to such authority, or, in the case of a finding or sentence which does not require confirmation, the officer commanding the unit within which the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within British India or not, be sent to a Magistrate in any presidency-town or district in which such property for the time being is, and such Magistrate shall thereupon cause the order to be carried into effect as if it was an order passed by such Magistrate under the provisions of the Code of Criminal Procedure, 1898.

Explanation.—In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

CHAPTER X.

SPECIAL RULES RELATING TO PERSONS AND PROPERTY.

Complaints against superior officers and airmen.

120. (1) If an officer of the Indian Air Force thinks himself wronged by his commanding officer, or other superior officer, and on due application made to his commanding officer does not receive the redress to which he may consider himself entitled, he may complain to the Governor-General in Council in order to obtain justice.

(2) If any airman thinks himself wronged in any matter by any officer other than the officer under whose command or orders he is serving, or by any airman, he may complain thereof to the officer under whose command or orders he is serving, and if he thinks himself wronged by the officer under whose command or

orders he is serving, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to his commanding officer, and if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the prescribed officer; and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

Privileges of persons attending courts-martial.

121. (1) No president or member of a court-martial, no judge advocate, no party to any proceeding before a court-martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial, shall, while proceeding to, attending on or returning from a court-martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

Exemption from arrest for debt

122. (1) No officer or person enrolled in the Indian Air Force shall be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue officer.

(2) The judge of any such court may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section, and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no fee shall be payable to the court by the complainant.

Property exempted from attachment.

123. Neither the arms, clothes, equipment, accoutrements or necessaries of any person subject to this Act, nor any animal used by him for the discharge of his duty, shall be seized, nor shall the pay and allowances of any such person or any part thereof be attached, by direction of any civil or revenue court or any revenue officer, in satisfaction of any decree or order enforceable against him.

Application to Reservists

124. Every person belonging to the Indian Air Force Reserve shall, when called out for or engaged upon or returning from training or service, be entitled to all the privileges accorded by sections 122 and 123 to a person subject to this Act.

Priority of hearing by courts of cases in which persons subject to this Act

125. (1) On the presentation to any court by or on behalf of any person subject to this Act of a certificate, from the proper air force authority, of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall, on the application of such person, arrange, so far as may be possible,

are concerned.

for the hearing and final disposal of such suit or other proceeding within the period of the leave so granted or applied for.

(2) The certificate from the proper air force authority shall state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for.

(3) No fee shall be payable to the court in respect of the presentation of any such certificate, or in respect of any application by or on behalf of any such person for priority for the hearing of his case.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for having been unable to do so, and shall cause a copy thereof to be furnished to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(5) If in any case a question arises as to the proper air force authority qualified to grant such certificate as aforesaid, such question shall be at once referred by the court to an officer commanding a unit, whose decision shall be final.

Property of deceased persons and deserters.

126. The following rules are enacted respecting the disposal of the property of every person subject to this Act who dies or deserts:—

(1) The commanding officer of the unit to which the deceased person or deserter belonged shall secure all the moveable property belonging to the deceased or deserter that is in camp or quarters, and cause an inventory thereof to be made, and draw any pay and allowances due to such person.

(2) In the case of a deceased person who has left in a Government savings bank (including any post office savings bank, however named) a deposit not exceeding one thousand rupees, the commanding officer may, if he thinks fit, require the secretary or other proper official of the bank to pay the deposit to him forthwith, notwithstanding anything in any departmental rules, and after the payment thereof in accordance with such requisition, no person shall have any right in respect of the deposit except as hereinafter provided.

(3) In the case of a deceased person whose representative is on the spot and has given security for the payment of the service or other debts in camp or quarters (if any) of the deceased, the commanding officer shall deliver over any property received under clauses (1) and (2) to that representative.

(4) In the case of a deceased person whose estate is not dealt with under clause (3), and in the case of any deserter, the commanding officer shall cause the moveable property to be sold by public auction, and shall pay the service and other debts in

camp or quarters (if any), and, in the case of a deceased person, the expenses of his funeral ceremonies, from the proceeds of the sale and from any pay and allowances drawn under clause (1) and from the amount of the deposit (if any) received under clause (2)

(5) The surplus, if any, shall, in the case of a deceased person, be paid to his representative (if any), or, in the event of no claim to such surplus being established within twelve months after the death, be remitted to the prescribed person.

(6) In the case of a deserter, the surplus (if any) shall be forthwith remitted to the prescribed person and shall, on the expiry of three years from the date of his desertion, be forfeited to His Majesty, unless the deserter shall in the meantime have surrendered or been apprehended.

Meaning of deserter.

Explanation.—A person shall be deemed to be a deserter within the meaning of this section who has without authority been absent from duty for a period of twenty-one days and has not subsequently surrendered or been apprehended.

Disposal of certain property without production of probate, etc.

127. Property deliverable and money payable to the representative of a deceased person under section 126 may, if the total value or amount thereof does not exceed one thousand rupees, and if the prescribed person thinks fit, be delivered or paid to any person appearing to him to be entitled to receive it or to administer the estate of the deceased, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title; and such delivery or payment shall be a full discharge to those ordering or making the same and to the Secretary of State for India in Council from all further liability in respect of the property or money; but nothing in this section shall affect the rights of any executor or administrator or other representative, or of any creditor of a deceased person against any person to whom such delivery or payment has been made.

Application to lunatics and persons missing on active service.

128. The provisions of section 126 shall, so far as they can be made applicable, apply in the case of a person subject to this Act becoming insane or who, being on active service, is officially reported missing:

Provided that, in the case of a person so reported missing, no action shall be taken under sub-sections (2) to (5), inclusive, of the said section, until one year has elapsed from the date of such report.

CHAPTER XI.

SUPPLEMENTAL.

Power to make rules.

129 (1) The Governor-General in Council may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the discharge from the service of persons subject to this Act;

(*b*) the specification of the punishments which may be awarded as field punishments under sections 21 and 25;

(*c*) the assembly and procedure of courts of inquiry, and the administration of oaths or affirmations by such courts;

(*d*) the convening and constituting of courts-martial;

(*e*) the adjournment, dissolution and sittings of courts-martial;

(*f*) the procedure to be observed in trials by courts-martial;

(*g*) the confirmation and revision of the findings and sentences of courts-martial;

(*h*) the carrying into effect sentences of courts-martial;

(*i*) the forms of orders to be made under the provisions of this Act relating to courts-martial and imprisonment;

(*j*) the constitution of authorities to decide for what persons, to what amounts and in what manner, provision should be made for dependants under section 29, and the due carrying out of such decisions; and

(*k*) any matter in this Act directed to be prescribed.

(3) All rules made under this Act shall be published in the *Gazette of India*, and, on such publication, shall have effect as if enacted in this Act

Amendment of certain enactments.

130. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE SCHEDULE.

AMENDMENTS.

(*See* section 130.)

Year.	No.	Short title.	Amendments.
1860	XLV	The Indian Penal Code.	(1) In the Explanation to section 131, for the words " or the Air Force Act " the words " the Air Force Act or the Indian Air Force Act, 1932 " shall be substituted.

Year.	No.	Short title.	Amendments.
•			(2) In section 139, for the words "or the Air Force Act" the words "the Air Force Act or the Indian Air Force Act, 1932" shall be substituted
1881	XI	The Municipal Taxation Act, 1881.	In clause (*a*) of section 3, for the words "or the Air Force Act" the words "the Air Force Act, or the Indian Air Force Act, 1932" shall be substituted.
1899	II	The Indian Stamp Act, 1899.	In Schedule I, in clause (*a*) of the Exemptions to Article 4, after the figures "1911" the words and figures ",or the Indian Air Force Act, 1932" shall be inserted.
1901	II	The Indian Tolls (Army) Act, 1901.	In clause (*b*) of section 2, after the words "Air Force Act" the words ", the Indian Air Force" shall be inserted.
1912	IV	The Indian Lunacy Act, 1912.	In section 12, for the words "or the Air Force Act" the words "the Air Force Act or the Indian Air Force Act, 1932" shall be substituted.
1925	IV	The Indian Soldiers (Litigation) Act, 1925.	In clause (*b*) of section 2, after the figures "1911" the words and figures ", or the Indian Air Force Act, 1932" shall be inserted.

THE INDIAN TARIFF (WIRELESS BROADCASTING) AMENDMENT ACT, 1932.

ACT NO. XV OF 1932.

[8*th April*, 1932.

An Act to provide funds to enable Government to continue wireless broadcasting in India, by increasing the import duties leviable on wireless reception apparatus.

WHEREAS it is expedient to provide funds to enable Government to continue wireless broadcasting in India, by increasing the import duties leviable on wireless reception apparatus; it is hereby enacted as follows:—

Short title. 1. This Act may be called THE INDIAN TARIFF (WIRELESS BROADCASTING) AMENDMENT ACT, 1932.

Amendment of Schedule II, Act VIII of 1894. 2. In Schedule II to the Indian Tariff Act, 1894,—

(*a*) Item No. 43 shall be re-numbered as Item No. 42-B; and

(*b*) after Item No. 42-B, as so re-numbered, the following heading and item shall be inserted, namely:—

"HARDWARE, IMPLEMENTS AND INSTRUMENTS.

43	WIRELESS RECEPTION INSRUMENTS AND APPARATUS, and component parts thereof, including all electric valves, amplifiers and loud-speakers which or not specially designed for purposes other than wireless reception or are not original parts of and imported along with instruments or apparatus so designed.	*Ad valorem.*	50 per cent."

Bar of operation of section 4, Indian Finance (Supplementary and Extending) Act, 1931. 3. Notwithstanding anything contained in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duty of customs imposed by that section shall not be levied on wireless reception apparatus comprised in Item No. 43 of Schedule II to the Indian Tariff Act, 1894, as inserted by section 2 of this Act.

THE INDIAN EMIGRATION (AMENDMENT) ACT, 1932

ACT No. XVI OF 1932.

[30*th September,* 1932.

An Act further to amend the Indian Emigration Act, 1922, for certain purposes.

WHEREAS it is expedient further to amend the Indian Emigration Act, 1922, for the purposes hereinafter appearing; it is hereby enacted as follows:—

Short title. 1. This Act may be called THE INDIAN EMIGRATION (AMENDMENT) ACT, 1932.

Amendment of section 24, Act VII of 1922. 2. For clause (*b*) of sub-section (2) of section 24 of the Indian Emigration Act, 1922 hereinafter referred to as the said Act), the following shall be substituted, namely:—

"(*b*) the licensing, supervision and control of persons in British India engaged in causing or assisting persons to emigrate and in the conveyance and accommodation of emigrants, and the prohibition of unlicensed persons from being so engaged".

Amendment of section 25, Act VII of 1922. 3. In section 25 of the said Act,—

(*a*) in clause (*b*) of sub-section (2), for the words "induces, or attempts to induce" the words "causes or assists or attempts to cause or assist" shall be substituted; and

(*b*) sub-section (3) shall be re-numbered as sub-section (4), and the following sub-section shall be inserted as sub-section (3), namely:—

"(3) When in the course of any proceedings in connection with emigration in which a person licensed in accordance with rules framed under clause (*b*) of sub-section (2) of section 24 is concerned, a breach of the provisions of this Act or of the rules made under this Act is committed, such person shall be liable to the punishment provided by sub-section (2), unless he shows that he was not responsible for and could not have prevented the commission of the breach."

Amendment of section 30, Act VII of 1922.

4. In sub-section (3) of section 30 of the said Act, for the words "induces, or attempts to induce" the words "causes or assists or attempts to cause or assist" shall be substituted.

THE CANTONMENTS (AMENDMENT) ACT, 1932.

ACT No. XVII OF 1932.

[30*th September*, 1932.

An Act further to amend the Cantonments Act, 1924, *for a certain purpose.*

WHEREAS it is expedient further to amend the Cantonments Act, 1924, in the manner and for the purpose hereinafter appearing; it is hereby enacted as follows:—

Short title.

1. This Act may be called THE CANTONMENTS (AMENDMENT) ACT, 1932.

Amendment of clause (ix), section 2, Act II of 1924

2 In clause (ix) of section 2 of the Cantonments Act, 1924, after the words "Officer Commanding the District", where they occur for the first time, the words "or Officer Commanding-in-Chief, the Command" shall be inserted, and after the words "Officer Commanding the District", where they occur for the second time, the words "and Officer Commanding-in-Chief, the Command" shall be added; and this insertion and addition shall be deemed to have been made on and to have effect from the 29th day of February, 1932.

THE ANCIENT MONUMENTS PRESERVATION (AMENDMENT) ACT, 1932.

ACT No XVIII OF 1932.

[30*th September*, 1932.

An Act to amend the Ancient Monuments Preservation Act, 1904, *for certain purposes.*

WHEREAS it is expedient to amend the Ancient Monuments Preservation Act, 1904, for the purposes hereinafter appearing; it is hereby enacted as follows:—

Short title.

1. This Act may be called THE ANCIENT MONUMENTS PRESERVATION (AMENDMENT) ACT, 1932.

Insertion of new section 10-A in Act VII of 1904.

2. After section 10 of the Ancient Monuments Preservation Act, 1904 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

Power of Local Government to control mining, etc., near ancient monument.

"10-A. (1) If the Local Government is of opinion that mining, quarrying, excavating, blasting and other operations of a like nature should be restricted or regulated for the purpose of protecting or preserving any ancient monument, the Local Government may, by notification in the local official Gazette, make rules—

(*a*) fixing the boundaries of the area to which the rules are to apply,

(*b*) forbidding the carrying on of mining, quarrying, excavating, blasting or any operation of a like nature except in accordance with the rules and with the terms of a licence, and

(*c*) prescribing the authority by which, and the terms on which, licences may be granted to carry on any of the said operations.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub-section (1) proves to the satisfaction of the Local Government that he has sustained loss by reason of such land being so included, the Local Government shall pay compensation in respect of such loss."

Substitution of new sections for section 20, Act VII of 1904.

3. For section 20 of the said Act and its heading "*Excavation*", the following sections and heading shall be substituted, namely:—

"Archaeological Excavation.

Power of Governor-General in Council to notify areas as protected.

20. (1) If the Governor-General in Council, after consulting the Local Government, is of opinion that excavation for archæological purposes in any area should be restricted and regulated in the interests of archæological research, the Governor-General in Council may, by notification in the Gazette of India specifying the boundaries of the area, declare it to be a protected area.

(2) From the date of such notification all antiquities buried in the protected area shall be the property of the Government and shall be deemed to be in the possession of Government, and shall remain the property and in the possession of Government until

ownership thereof is transferred; but in all other respects the rights of any owner or occupier of land in such area shall not be affected.

Power to enter upon and make excavations in a protected area.

20-A. (1) Any officer of the Archæological Department or any person holding a licence under section 20-B may, with the written permission of the Collector, enter upon and make excavations in any protected area.

(2) Where, in the exercise of the power conferred by sub-section (1), the rights of any person are infringed by the occupation or disturbance of the surface of any land, the Government shall pay to that person compensation for the infringement.

Power of Governor-General in Council to make rules regulating archæological excavation in protected areas.

20-B. (1) The Governor-General in Council may make rules—

(*a*) prescribing the authorities by whom licences to excavate for archæological purposes in a protected area may be granted;

(*b*) regulating the conditions on which such licences may be granted, the form of such licences, and the taking of security from licensees;

(*c*) prescribing the manner in which antiquities found by a licensee shall be divided between Government and the licensee; and

(*d*) generally to carry out the purposes of section 20.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) Such rules may be general for all protected areas for the time being, or may be special for any particular protected area or areas.

(4) Such rules may provide that any person committing a breach of any rule or of any condition of a licence shall be punishable with fine which may extend to five thousand rupees, and may further provide that where the breach has been by the agent or servant of a licensee the licensee himself shall be punishable.

Power to acquire a protected area.

20-C. If the Governor-General in Council is of opinion that a protected area contains an ancient monument or antiquities of national interest and value, he may direct the Local Government to acquire such area, or any part thereof, and the Local Government may thereupon acquire such area or part under the Land Acquisition Act, 1894, as for a public purpose."

Amendment of section 21, Act VII of 1904.

4. In section 21 of the Act,—

(*a*) the words "amount of", where they first occur, shall be omitted, and

(*b*) for the words "touching the amount" the words "in respect" shall be substituted.

THE TRADE DISPUTES (AMENDMENT) ACT, 1932.

ACT No. XIX OF 1932.

[*30th September*, 1932.

An Act to amend the Trade Disputes Act, 1929, *for certain purposes.*

WHEREAS it is expedient to amend the Trade Disputes Act, 1929, for the purposes hereinafter appearing; it is hereby enacted as follows:—

Short title.

1. This Act may be called THE TRADE DISPUTES (AMENDMENT) ACT, 1932.

Amendment of section 13, Act VII of 1929.

2. In section 13 of the Trade Disputes Act, 1929,—

(*a*) in sub-section (1),—

(*i*) for the words "except with the consent in writing of the Secretary of the Trade Union or of the person, firm or company in question" the words "if the Trade Union, person, firm or company in question has preferred a request to the Court or Board that such information shall be treated as confidential" shall be substituted, and

(*ii*) for the words "without such consent" the words "without the consent in writing of the Secretary of the Trade Union or the person, firm or company in question, as the case may be" shall be substituted;

(*b*) in sub-section (2), after the words "before a Court or Board" the word "wilfully" shall be inserted; and

(*c*) after sub-section (2) the following sub-sections shall be inserted, namely:—

"(3) No Criminal Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section.

(4) No Criminal Court shall take cognizance of any offence under this section except with the previous sanction of the authority appointing such Court or Board; and no Civil Court shall without the like sanction entertain any suit against a member of a Court or Board, or any person present at or concerned in the proceedings before a Court or Board, for any matter arising out of such proceedings."

THE PORT HAJ COMMITTEES ACT, 1932.

ACT No. XX OF 1932.

[*1st October*, 1932.

An Act to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz.

WHEREAS it is expedient to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz; it is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called THE PORT HAJ COMMITTEES ACT, 1932.

(2) It extends in the first instance to the Presidencies of Bombay and Bengal, but the Governor-General in Council may, by notification in the Gazette of India, extend it to any other maritime province.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force in any province to which the Act extends on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) a " pilgrim " means a Muslim proceeding on or returning from pilgrimage to the Hedjaz; and

(b) a "pilgrim ship" means a ship conveying or about to convey pilgrims from or to any port in British India to or from any port in the Red Sea other than Suez.

Initiation of Port Haj Committees.

3. As soon as may be after this Act comes into force in the Presidency of Bengal, there shall be constituted a committee, to be called the Port Haj Committee of Calcutta, and as soon as this Act comes into force in the Presidency of Bombay, there shall be constituted two committees, to be called the Port Haj Committee of Bombay and the Port Haj Committee of Karachi, respectively.

Composition of Port Haj Committees.

4. (1) The Port Haj Committee of Calcutta shall consist of nineteen members as follows:—

(a) seven members to be nominated by the Local Government, of whom not more than five shall be officials;

(b) two members to be elected by the elected Muslim Councillors and elected Muslim Aldermen of the Corporation of Calcutta;

(c) six members to be elected by an electorate consisting of—

(i) the elected Muslim members of the Bengal Legislative Council,

(ii) the Muslim members of the Council of State and of the Legislative Assembly, elected by constituencies in the Presidency of Bengal, and

(iii) the elected Muslim members of the Bengal Medical Council; and

(*d*) four members to be co-opted by the elected members of the Committee.

(2) The Port Haj Committee of Bombay shall consist of nineteen members as follows:—

(*a*) seven members to be nominated by the Local Government, of whom not more than five shall be officials;

(*b*) two members to be elected by the elected Muslim members of the Municipal Corporation of the City of Bombay;

(*c*) six members to be elected by an electorate consisting of—

(*i*) the elected Muslim members of the Bombay Legislative Council,

(*ii*) the Muslim members of the Council of State and of the Legislative Assembly, elected by constituencies in the Presidency of Bombay, and

(*iii*) the elected Muslim members of the Bombay Medical Council; and

(*d*) four members to be co-opted by the elected members of the Committee.

(3) The Port Haj Committee of Karachi shall consist of seventeen members as follows:—

(*a*) six members to be nominated by the Local Government, of whom not more than five shall be officials;

(*b*) two members to be elected by the elected Muslim members of the Municipality of Karachi;

(*c*) five members to be elected by the electorate defined in clause (*c*) of sub-section (2); and

(*d*) four members to be co-opted by the elected members of the Committee.

(4) An elected member of a Port Haj Committee need not be a member of the electorate which elects him.

(5) A member of a Port Haj Committee nominated by a Local Government may be nominated by virtue of office.

Power to alter composition of Port Haj Committee.

5. (1) The Local Government may propose to the Governor-General in Council a draft of rules altering the composition of a Port Haj Committee, and the Governor-General in Council, after previous publication of the draft in accordance with the provisions of section 23 of the General Clauses Act, 1897, shall take the draft into consideration.

(2) The draft in the form finally approved by the Governor-General in Council shall be published in the Gazette of India and in the local official Gazette, and thereupon the composition of the Port Haj Committee shall be altered accordingly.

Constitution of Port Haj Committees in other ports.

6. (1) When any port, other than Calcutta, Bombay or Karachi, situated in any province to which this Act extends, is appointed to be a port for pilgrim traffic in pursuance of sub-section (1) of section 150 of the Indian Merchant Shipping Act, 1923, the Governor-General in Council may, subject to the condition of previous publication, make rules providing for the composition of a Port Haj Committee for such port, and shall cause the Committee to be constituted accordingly.

(2) The provisions of this Act shall apply to such Committee when constituted.

Nominations, elections and co-options.

7. (1) The election and co-option of members of Port Haj Committees shall be conducted in accordance with rules to be made in this behalf by the Local Government.

(2) As soon as may be after the election and co-option of members of a Port Haj Committee, the Local Government shall make the nominations permitted by section 4, and shall publish in the local official Gazette a list of the names of all members nominated, elected and co-opted:

Provided that the failure of anybody to elect or to co-opt a member shall not prevent the Local Government from making nominations or from publishing the list of members as provided in this sub-section:

Provided further that the list of members of a new Committee shall not be published before the expiry of three years from the date of the publication of the list of members of the Committee which it is replacing.

Term of office.

8. (1) Where a member of a Port Haj Committee is nominated by virtue of his office, the person for the time being holding the office shall be a member until the Local Government otherwise directs.

(2) The term of office of other members (except members filling casual vacancies) shall be not less than three years, commencing on the day following the publication of the list of members under sub-section (2) of section 7, and ending on the date of the publication of the list of members of the next Committee.

Formation of new committees.

9. (1) At such time as the Local Government may deem to be expedient before or after the expiry of the period of three years after the publication of the list of members of a Committee under sub-section (2) of section 7, the Local Government shall take or cause to be taken all necessary steps for the election, co-option and nomination of members of the new Committee.

(2) No person shall be ineligible for election, co-option or nomination to a Port Haj Committee on the ground that he is or has been a member of a Port Haj Committee.

Rules relating to the constitution of Committees.

10. The Local Government may make rules—

(*a*) prescribing the disqualifications which shall disqualify any person from being elected, co-opted or nominated as member of a Port Haj Committee;

(*b*) providing for the decision of doubts and disputes relating to the election and co-option of members;

(*c*) regulating the resignation of members;

(*d*) prescribing the reasons for which members may be removed, and providing for their removal;

(*e*) regulating the filling of casual vacancies and the term of office of members filling casual vacancies; and

(*f*) providing for any other matter which the Local Government may deem to be expedient for the proper constitution of Port Haj Committees.

Chairmen and Vice-Chairmen.

11. (1) After the publication of the list of members of a Port Haj Committee under sub-section (2) of section 7, the Local Government shall direct the Committee to elect one of its members to be Chairman within a time to be specified in such direction.

(2) If within the time so specified the Committee fails to elect a Chairman, the Local Government may appoint a member of the Committee to be Chairman of the Committee.

(3) An elected Chairman shall not take up his office until his election has been approved by the Local Government.

(4) A Port Haj Committee may elect from amongst its members not more than two members to be Vice-Chairmen.

(5) The appointment or election of Chairmen and Vice-Chairmen shall be notified in the local official Gazette.

Power to make rules regarding Chairmen and Vice-Chairmen.

12. The Local Government may make rules—

(*a*) prescribing the term of office of Chairmen;

(*b*) prescribing the powers and duties of Chairmen;

(*c*) regulating the resignation of Chairmen;

(*d*) prescribing the reasons for which Chairmen and Vice-Chairmen may be removed, and providing for their removal; and

(*e*) regulating the filling of casual vacancies in the office of Chairman and the term of office of persons filling such vacancies.

Power to make by-laws regarding Chairmen and Vice-Chairmen.

13. A Port Haj Committee may, with the previous sanction of the Local Government, make by-laws—

(*a*) prescribing the term of office of Vice-Chairmen;

(*b*) prescribing the powers and duties of Vice-Chairmen, and also the powers and duties of the Chairman in so far as they have not been prescribed by rules under section 12;

(*c*) regulating the resignation of Vice-Chairmen; and

(*d*) regulating the filling of casual vacancies in the office of Vice-Chairman, and the term of office of persons filling such vacancies.

Officers and servants of Port Haj Committees.

14. (1) Until the expiry of a period of four years from the date of the publication of the list of members of a Port Haj Committee on its first constitution, the Local Government shall, in consultation with the Committee, appoint, for each Port Haj Committee, a person to be Executive Officer, who shall also be Secretary to the Committee, and shall also in like manner appoint such other officers and servants as it may consider necessary for the efficient discharge of the duties of the Committee.

(2) The Local Government may make rules—

(*a*) regulating the relations between a Port Haj Committee and its Executive Officer;

(*b*) regulating the subordination of the other officers and servants of a Port Haj Committee to the Committee and to the Executive Officer;

(*c*) determining the conditions of service of an Executive Officer and other officers and servants;

(*d*) prescribing the powers and duties of the Executive Officer in so far as they are not prescribed by this Act; and

(*e*) prescribing the powers and duties of the other officers and servants of a port Haj Committee.

(3) Rules made under sub-section (2) may authorise a Port Haj Committee to make by-laws providing for any of the matters specified in that sub-section in so far as such matters are not provided for in the rules.

Delegation to Port Haj Committee of control over its officers and servants.

15. (1) Within the period of four years referred to in sub-section (1) of section 14 the Local Government may, and on the expiry of that period the Local Government shall, by notification in the local official Gazette, authorise a Port Haj Committee to appoint its Executive Officer, and to appoint such other officers and servants as the Committee may deem to be necessary for the efficient discharge of its duties.

(2) Such authorisation may impose such restrictions and conditions as the Local Government may think fit.

(3) A Port Haj Committee so authorised may make by-laws providing for any of the matters specified in sub-section (2) of section 14, and may cancel any rule made under that sub-section in so far as it applies to such Committee and its officers and servants.

Payment of salaries, etc., of officers and servants.

16. The pay and allowances and expenses lawfully incurred in respect of an Executive Officer or other officer or servant appointed by the Local Government under section 14 shall be paid by the Governor-General in Council, and the pay, allowances and expenses lawfully incurred in respect of an Executive Officer or

other officer or servant appointed by a Committee under section 15 shall be paid by the Committee out of the funds at its disposal.

Meetings of Committees and conduct of business.

17. (1) A Port Haj Committee shall meet at least once in every month during the four months before the Haj Day and during the two months after the Haj Day, and at least once in each three months during the rest of the year.

(2) The number of members required to make a quorum at any meeting shall be six.

(3) All matters shall be decided by a majority of the members present, and in the event of an equality of votes the Chairman or other person presiding shall have a casting vote.

(4) A Port Haj Committee may make by-laws—

(*a*) regulating the convening of its meetings;

(*b*) regulating the conduct of business at its meetings;

(*c*) prescribing the registers and records which shall be maintained;

(*d*) providing for the publication of its proceedings and of any other matters of interest to pilgrims; and

(*e*) providing for any other matter which the Committee may deem necessary for the regulation of its meetings and its business:

Provided that the Local Government may, at any time before the first meeting of a Committee after the commencement of this Act, frame instructions for the Committee on all or any of the matters specified in this sub-section, and such instructions shall be deemed to be by-laws made by the Committee under this sub-section until they are superseded by by-laws so made.

(5) Anything done or any proceeding taken by a Port Haj Committee shall not be questioned on the ground of any vacancy in the Committee, or on account of any defect or irregularity not affecting the merits of the case.

Duties of Port Haj Committees.

18. (1) The duties of a Port Haj Committee shall be—

(*a*) to collect and disseminate information useful to pilgrims;

(*b*) to advise and assist pilgrims during their stay at the port, while proceeding to or returning from the Hedjaz, in all matters including vaccination, inoculation, medical inspection and issue of passes and passports, and to co-operate with the local authorities concerned in such matters;

(*c*) to give relief to indigent pilgrims;

(*d*) to negotiate and co-operate with railways and shipping companies for the purpose of securing travelling facilities for pilgrims;

(*e*) to find suitable Muslims for employment by shipping companies on pilgrim ships;

(*f*) to bring the grievances of pilgrims and any irregularities or omissions on the part of a master or owner of a pilgrim ship in the carrying out of the provisions of the Indian Merchant Shipping Act, 1923, to the notice of the authorities concerned, and to suggest remedies;

(*g*) to authorise whenever practicable an individual pilgrim or a committee of pilgrims on board a pilgrim ship to represent the grievances of the pilgrims to the master or owner of the ship; and

(*h*) such other duties in connection with the pilgrim traffic as may be entrusted to it by Government.

(2) The Local Government shall afford all reasonable assistance to the Port Haj Committee in the discharge of the duties imposed by this section.

Inspection of pilgrim ships.

19. (1) Each Port Haj Committee shall appoint one or more sub-committees composed of two of its members, whose duties shall be the inspection of pilgrim ships.

(2) Any such sub-committee when inspecting a pilgrim ship shall be accompanied by the certifying officer appointed for the port under section 151 of the Indian Merchant Shipping Act, 1923, or by the Surveyor of the ship or other person deputed by the certifying officer.

(3) The Executive Officer of a Port Haj Committee or a sub-committee appointed under sub-section (1) may enter and inspect any pilgrim ship advertised or offering to sail from or which has returned to the port for which the Committee is constituted.

(4) A master or any officer of a pilgrim ship who fails to render every reasonable facility for such inspection shall be punishable with fine which may extend to five hundred rupees.

(5) No Magistrate other than a Presidency Magistrate or Magistrate of the first class shall take cognizance of an offence punishable under sub-section (4), and such Magistrates shall take cognizance of such offence only on written complaint by the Chairman of the Port Haj Committee concerned.

Haj Funds.

20. In each port in which there is a Port Haj Committee there shall be created a fund, to be called the Haj Fund of the port concerned, and there shall be placed to the credit thereof the following sums, in so far as they arise or have arisen in the port concerned, namely:—

(*a*) the interest on all deposits made by pilgrims under clause (*b*) of section 208-A of the Indian Merchant Shipping Act, 1923;

(*b*) sums realised from the sale of the effects of deceased pilgrims and sums of money left by deceased pilgrims, which are unclaimed and have lapsed to Government;

(*c*) any fees which may be levied for the issue of visitors' passes to friends and relations of pilgrims who desire to go on board a pilgrim ship;

(*d*) the amount now standing to the credit of the fund known as the Indigent Pilgrims' Fund: provided that such amount shall be applied by the Committee solely for the relief of indigent pilgrims;

(*e*) any sums received by the Haj Fund from private sources; and

(*f*) any sums allotted by Government to the Haj Fund.

Application of the Haj Fund.

21. A Haj Fund of a port shall, subject to rules made under section 22, be under the control and management of the Port Haj Committee for that port, and shall be applicable to the payment of charges and expenses incidental to the objects specified in section 18, and of any other object specified by rules made under clause (*c*) of section 22.

Power to make rules for the financial control of Committees.

22. The Local Government may, subject to the control of the Governor-General in Council, make rules—

(*a*) providing for the custody of Haj Funds;

(*b*) regulating the investment of balances of Haj Funds;

(*c*) prescribing the objects to which Haj Funds shall be applicable, in addition to those prescribed in section 18;

(*d*) fixing the limits of expenditure which may be incurred by a Committee without sanction, and providing for the grant of sanction for expenditure exceeding those limits;

(*e*) regulating the preparation, submission and approval of the budgets of Committees.

(*f*) prescribing the accounts to be kept by Committees, and providing for the audit and publication thereof;

(*g*) prescribing the returns, statements and reports to be submitted by Committees; and

(*h*) generally providing for the control of Committees in respect of financial matters.

Provisions regarding rules and by-laws.

23. (1) Rules made by the Local Government under this Act shall be made by notification in the local official Gazette and shall be subject to the condition of previous publication.

(2) By-laws made by a Port Haj Committee shall be submitted to the Local Government, and shall not take effect until they have been confirmed by the Local Government.

(3) By-laws which have been confirmed by the Local Government shall be published in the local official Gazette.

Repeals.

24. (1) On the date on which this Act comes into force in the Presidency of Bombay, sections 8, 9 and 10 of the Protection of Pilgrims Act, 1887, shall be repealed.

(2) On the date on which this Act comes into force in the Presidency of Bengal, sections 8, 9 and 10 of the Protection of Muhammadan Pilgrims Act, 1896, shall be repealed

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THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1932.

ACT No. XXI OF 1932.

[1st *October*, 1932.

An Act further to amend the Code of Criminal Procedure, 1898, *for a certain purpose.*

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, for the purpose hereinafter appearing; it is hereby enacted as follows:—

1. This Act may be called THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1932. Shord title.

2. In section 526 of the Code of Criminal Procedure, 1898,— Amendment of section 526, Act V of 1898.

(*a*) in sub-section (5), for the words "has power under this section to award by way of costs" the words "may under this section award by way of compensation" shall be substituted;

(*b*) in sub-section (6-A), for the word "costs" the word "compensation" shall be substituted, and for the words "any expenses reasonably incurred by such person in consequence of the application" the words "such sum not exceeding two hundred and fifty rupees as it may consider proper in the circumstances of the case" shall be substituted;

(*c*) for sub-section (8) the following sub-section shall be substituted, namely:—

"(8) If in any inquiry under Chapter VIII or Chapter XVIII or in any trial, any party interested intimates to the Court at any stage before the defence closes its case that he intends to make an application under this section, the Court shall, upon his executing, if so required, a bond without sureties, of an amount not exceeding two hundred rupees that he will make such application within a reasonable time to be fixed by the Court, adjourn the case for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon:

Provided that nothing herein contained shall require the Court to adjourn the case upon a second or subsequent intimation from the same party, or, where an adjournment under this sub-section has already been obtained by one of several accused, upon a subsequent intimation by any other accused";

(*d*) to sub-section (9) the following Explanation shall be added, namely:—

"*Explanation* —Nothing contained in sub-section (8) or sub-section (9) restricts the powers of a Court under section 344";

(*e*) after sub-section (9) as so amended the following sub-section shall be added, namely:—

"(10) If, before the argument (if any) for the admission of an appeal begins, or, in the case of an appeal admitted, before the argument for the appellant begins, any party interested intimates to the Court that he intends to make an application under this section, the Court shall, upon such party executing, if so required, a bond without sureties of an amount not exceeding two hundred rupees that he will make such application within a reasonable time to be fixed by the Court postpone the appeal for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon."

THE TEA DISTRICTS EMIGRANT LABOUR ACT, 1932.

ACT No XXII OF 1932.

[8*th October*, 1932.

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THE SCHEDULE.

An Act to amend the law relating to emigrant labourers in the tea districts of Assam.

WHEREAS it is expedient to amend the law relating to emigrant labourers in the tea districts of Assam; it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called THE TEA DISTRICTS EMIGRANT LABOUR ACT, 1932.

(2) It extends to the whole of British India, including the Sonthal Parganas.

(3) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "tea district" means any of the following districts in the province of Assam, namely,—

Lakhimpur, Sibsagar, Nowgong, Darrang, Kamrup, Goalpara, Cachar and Sylhet, and the Balipara Frontier Tract;

(b) "tea estate" means an estate, situated in the tea districts, any part of which is used or is intended to be used for the cultivation or manufacture of tea or for any purpose connected therewith;

(*c*) "recruiting province" means any province other than Assam;

(*d*) "adult" means a person who has completed his sixteenth year, and "child" means a person who is not an adult;

(*e*) a "labourer" means an adult working on wages not exceeding fifty rupees a month, but does not include a clerk or domestic servant, or a mechanic, carpenter, mason, bricklayer or other artisan;

(*f*) an "assisted emigrant" means an adult who, after the commencement of this Act, has left his home in any recruiting province or in any Indian State, is proceeding through any part of British India to any place in Assam to work as a labourer on a tea estate, and has received assistance from any person,

but does not include any person who at any time within two preceding years has worked as a labourer on a tea estate;

(*g*) "assistance" means the gift or offer of any money, goods or ticket entitling to conveyance to any person as an inducement to such person to proceed to Assam to work as a labourer on a tea estate, and "assisted" and "with assistance" when used with reference to any person mean that such person has received assistance;

(*h*) an "emigrant labourer" means a person who has last entered Assam as an assisted emigrant and is employed on a tea estate,

and includes any person who, having accompanied an assisted emigrant to Assam as a child dependent on him, has become an adult and is so employed,

but does not include any person who, at any time after his last entry into Assam and after he has become an adult has taken employment not on a tea estate;

(*i*) the "family" of any person includes the following, if living with him, namely,—

(i) in the case of a male,—his wife and any child and aged or incapacitated relative dependent on him,

(ii) in the case of a married woman,—her husband and any child and aged or incapacitated relative dependent on her or on her husband, and

(iii) in the case of any other woman,—any child and aged or incapacitated relative dependent on her,

and in the case of an emigrant labourer, includes any person who, having accompanied him to Assam as a child dependent on him, has become an adult and is living with him;

(*j*) "employing interest" means any employer of labourers, or any group or association of such employers; and

(*k*) "prescribed" means prescribed by rules made by the Governor-General in Council.

Appointment and status of Controller and Deputy Controllers.

3. (1) The Governor-General in Council may appoint a person to be Controller of Emigrant Labour, to exercise the powers and discharge the duties conferred and imposed upon the Controller by or under this Act.

(2) The Governor-General in Council may also appoint one or more Deputy Controllers of Emigrant Labour, who shall exercise such of the powers and discharge such of the duties of the Controller as the Governor-General in Council may determine.

(3) The Controller may, from time to time and subject to the control of the Governor-General in Council, make a distribution of work as between himself and the Deputy Controllers.

(4) The Controller and Deputy Controllers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Powers of the Controller.

4. The Controller shall have power—

(*a*) to enter—

(*i*) all open places on a tea estate,

(*ii*) any enclosed place on a tea estate where he knows or has reason to believe emigrant labourers are working or are accommodated,

(*iii*) any office of a tea estate,

(*iv*) any office or depot maintained by a labour recruiting agency, in Assam or in a recruiting province,

(*v*) any train, vessel or vehicle which he knows or has reason to believe is being used for the conveyance of assisted emigrants;

(*b*) to inspect, in any office or depot mentioned in sub-clauses (*iii*) and (*iv*) *of* clause (*a*), any register or other document required to be kept under this Act;

(*c*) to carry out in any place mentioned in clause (*a*) any inquiry which he may deem to be expedient for carrying out the purposes of this Act; and

(*d*) to do any other reasonable act which may be expedient in the discharge of his duties.

Emigrant Labour Cess

5. (1) In order to meet expenditure incurred in connection with the Controller, the Deputy Controllers and their staff, or under this Act, an annual cess shall be levied, to be called the Emigrant Labour Cess.

(2) It shall be paid in respect of the entry into Assam of each assisted emigrant and shall be payable by the employing interest on whose behalf he was recruited.

(3) It shall be levied at such rate, not exceeding nine rupees, for each such emigrant as the Governor-General in Council may, by notification in the Gazette of India, determine for the year of levy.

(4) The proceeds of the cess shall be credited to a fund, to be called the Emigrant Labour Fund, to be administered by the Governor-General in Council.

Power to make rules for the collection of the Emigrant Labour Cess.

6. (1) The Governor-General in Council may, by notification in the Gazette of India, make rules—

(*a*) prescribing the agency which shall collect the Emigrant Labour Cess;

(*b*) prescribing the returns to be submitted to such agency by employers of emigrant labourers, and by persons who recruit or forward emigrant labourers, and the form and date of such returns;

(*c*) regulating the procedure of the collecting agency;

(*d*) prescribing the mode of payment of the cess;

(*e*) determining the date when any sum payable as cess shall be an arrear;

(*f*) declaring that an arrear of cess may be recovered as an arrear of land-revenue and prescribing the procedure to be followed to secure such recovery; and

(*g*) generally, to secure the equitable collection of the cess.

CHAPTER II.

REPATRIATION.

General right of repatriation after three years in Assam.

7. Every emigrant labourer, on the expiry of three years from the date of his entry into Assam, shall have the right of repatriation as against the employer employing him at such expiry.

Rights to repatriation on dismissal.

8. (1) Any emigrant labourer who, before the expiry of three years from his entry into Assam, is dismissed by his employer, otherwise than for wilful and serious misconduct, shall have the right of repatriation against such employer.

(2) Where any emigrant labourer is dismissed by his employer before the expiry of three years from his entry into Assam, and his employer refuses or fails to repatriate him, the labourer may apply to the Controller, and the Controller, after such inquiry as he may think fit and after giving the employer an opportunity to be heard, may declare that the labourer has the right of repatriation against such employer.

Rights of repatriation of family of deceased emigrant labourer.

9. (1) Where an emigrant labourer other than a married woman living with her husband and having no child living with her dies within three years of his entry into Assam, the family of such labourer shall be entitled to be repatriated by the employer last employing him.

(2) Where such deceased labourer leaves a widow, she shall be deemed to be an emigrant labourer in whom a right of repatriation has arisen.

(3) Where there is no such widow, the Controller shall have all powers necessary to enforce the rights of the family under this section, and may take such action as he may deem to be expedient in their interests.

Rights to apply for repatriation in certain circumstances.

10. (1) An emigrant labourer may, before the expiry of three years from his entry into Assam, apply to the Controller for a declaration of his right to repatriation on any of the following grounds, namely,—

(*a*) that his state of health makes it imperative that he should leave Assam, or

(*b*) that his employer has failed to provide him with work suited to his capacity, at the normal rate of wages for that class of work, or

(*c*) that his employer has unjustly withheld any portion of any wages due to him, or

(*d*) any other sufficient cause.

(2) An emigrant labourer may, before the expiry of one year from his entry into Assam, apply to the Controller for a declaration of his right to repatriation on any of the following grounds, namely,—

(*a*) that he was recruited by coercion, undue influence, fraud or misrepresentation, or

(*b*) that he was recruited otherwise than in accordance with the provisions of this Act and the rules made thereunder.

(3) The Controller, after such inquiry as he may think fit and after giving the employer an opportunity to be heard, may declare that an emigrant labourer applying under this section has a right of repatriation against his employer:

Provided that a declaration in pursuance of clause (*d*) of sub-section (1) may be made by the Controller only and not by any other officer exercising the powers of the Controller by or under this Act.

Power of criminal Courts to order repatriation.

11. Where any employer of an emigrant labourer, or any agent of such employer in authority over such labourer, is convicted of any offence committed against such labourer and punishable under Chapter XVI of the Indian Penal Code with imprisonment for one year or upwards, the convicting Court or the appellate Court or the High Court when exercising its powers of revision may declare that such labourer has a right of repatriation against such employer.

Incidents of the right of repatriation.

12. (1) When an emigrant labourer has a right of repartriation against any employer the employer or his agent shall defray the cost of the return journey of the emigrant labourer and his family from the station nearest the employer's tea estate to the home of the labourer and shall provide subsistence allowances on the prescribed scale for such labourer and his family for the time requisite for him and his family to travel from such estate to his home:

Provided that where the emigrant labourer is a married woman, living with her husband who is also an emigrant labourer, her right of repatriation arising under section 7 shall extend only to herself and any children dependent on her:

Provided further that a married woman living with her husband is entitled to be treated as a member of his family notwithstanding that she is herself an emigrant labourer.

(2) In the event of any dispute regarding the cost of the return journey or subsistence allowances, the question shall be referred for decision to the Controller.

The discharge of an employer's duty to repatriate.

13. (1) Within fifteen days from the date on which a right of repatriation arises to an emigrant labourer, or within such shorter period as the authority declaring such right may determine, the employer concerned shall, subject to any agreement under section 14, make all necessary arrangements for the homeward journey of the labourer and his family, and shall despatch them on their journey:

Provided that an employer shall not be required to make such arrangements for or any payment in respect of any adult person who does not wish to leave Assam.

(2) Where an employer fails to comply with the provisions of sub-section (1), the right of repatriation of the emigrant labourer concerned shall not be affected, but the employer shall be liable to pay to the labourer one rupee for each day on which he is in default:

Provided that on application made to him by either party the Controller may direct that the labourer shall be paid at a lower rate than one rupee a day or at a higher rate not exceeding two rupees a day, and may also determine the number of days, being a reasonable number regard being had to all the circumstances of the case, for which the payment shall be made.

Postponement, waiver and forfeiture of the right.

14. (1) An emigrant labourer may, by agreement with his employer, postpone his exercise of the right of repatriation, or may waive it conditionally or unconditionally, but no such agreement shall be valid unless it is in writing and in the prescribed form and has been made not more than one month before the right of repatriation arises:

Provided that the Governor-General in Council may, by notification in the Gazette of India, make rules requiring that in any area such agreement shall be made in the prescribed manner before a prescribed authority and that the prescribed authority, if satisfied that the labourer understands the terms of his agreement, and his rights in regard to repatriation, shall ratify the agreement:

Provided further that after such rules come into force no such agreement shall be valid unless it is so made and ratified.

(2) Where an emigrant labourer having a right to repatriation fails without reasonable cause to proceed on his homeward

journey at the time arranged by his employer, the employer may notify the Controller of such failure, and the Controller, after such inquiry as he may think fit and after giving the labourer an opportunity to be heard, may declare that the labourer has forfeited his right of repatriation, and such labourer shall not be entitled to repatriation again as against any employer, save by an order of the Court under section 11.

Power of the Controller to enforce the provisions of this Chapter.

15. (1) Where the Controller, on information obtained from any source and after such inquiry as he may think fit and after giving the employer concerned an opportunity to be heard, is of opinion that an emigrant labourer is entitled to repatriation under any of the provisions of this Chapter, or is entitled to the payment of any sum of money under the provisions of sub-section (2) of section 13, the Controller may direct the employer concerned to despatch such labourer and his family or to pay him the sum of money within such period as the Controller may fix.

(2) If the employer fails to comply with such direction, the Controller may repatriate the labourer and his family or pay him the sum of money out of any funds at the Controller's disposal, and shall recover the costs incurred from the employer.

(3) For the purposes of such recovery the Controller may certify the costs to be recovered to the Collector, who shall recover the amount and may recover it as an arrear of land-revenue.

(4) The Controller shall have similar powers in regard to any person in Assam who he knows or has reason to believe is a member of the family of a repatriated emigrant labourer who should have been repatriated along with such labourer.

CHAPTER III.

CONTROLLED EMIGRATION AREAS.

Power to declare controlled emigration areas.

16. (1) Subject to the control of the Governor-General in Council, the Local Government of a recruiting province may, by notification in the local official Gazette, declare any area within such province to be a controlled emigration area, and thereupon the provisions of this Chapter shall apply to that area:

Provided that, subject to the like control, the Local Government may, by the same or by subsequent notification, declare that any of the provisions of this Chapter shall not apply in such area, or shall apply subject to such general or special relaxations as may be specified.

(2) A notification under sub-section (1) shall be expressed to take effect from a date not earlier than two months from the date of its publication, and during the said two months licences may be granted under section 17 and such licences shall be dated as being granted on the date on which the notification takes effect and shall not be valid until that date.

Power to grant licences to local forwarding agents.

17. (1) The Local Government, or any District Magistrate empowered by it in this behalf, may grant a licence to any person to act as local forwarding agent in any part of a controlled emigration area, on behalf of an employer or employers of labourers.

(2) Such licences shall be granted only on the application of an employing interest

(3) No such application shall be entertained unless the Controller has certified that the employing interest making the application has made proper provision, in accordance with section 20 and rules made under section 21, for the forwarding, accommodation and feeding of assisted emigrants on their journey to the tea estates on which they are to be employed.

(4) A local forwarding agent may be granted separate licences on applications by separate employing interests.

Recruits in controlled emigration areas to be sent to forwarding agents depots.

18. (1) Whoever arranges with any person in a controlled emigration area that such person shall proceed to Assam with assistance, shall take or send such person, along with the members of his family who are to accompany him to Assam, to the depot of a local forwarding agent licensed for the area in which the arrangement was made, unless the arrangement was made at such a depot.

(2) Whoever arranges with any person in an Indian State that such person shall proceed to Assam with assistance and brings or sends such person and any of the members of his family into any controlled emigration area, shall take or send such person and members to the depot of a local forwarding agent licensed for that area.

(3) At every such depot proper arrangements shall be made for the accommodation and feeding of assisted emigrants and their families.

Assisted emigrants to be forwarded to Assam by local forwarding agents by prescribed routes.

19. An assisted emigrant and his family shall be forwarded to Assam from the depot of a local forwarding agent by such agent and only by such routes and in such manner as may be prescribed by rules made under section 37, and shall be accompanied on their journey by a competent person deputed by the local forwarding agent

Maintenance of depots along prescribed routes.

20. Every employing interest which recruits labour in a controlled emigration area shall maintain or have the right to use depots at reasonable intervals on the prescribed routes by which it forwards assisted emigrants to Assam, for the accommodation and feeding of assisted emigrants and their families.

Power of Local Government to make rules.

21. (1) The Local Government may, by notification in the local official Gazette, make rules—

(*a*) prescribing the form and particulars of licences to be granted to local forwarding agents, and the annual fees, not exceeding ten rupees, which may be levied from persons holding such licences;

(*b*) prescribing returns relating to assisted emigrants and their families which shall be made by local forwarding agents and the registers and the form thereof which shall be maintained by such agents;

(*c*) prescribing the scales of diet which shall be provided for assisted emigrants and their families at depots;

(*d*) prescribing the accommodation which shall be provided for assisted emigrants and their families at depots, and the sanitary and medical arrangements at such depots;

(*e*) providing for the detention, for a period not exceeding three days, at depots of local forwarding agents of women unaccompanied by their husbands who propose to proceed to Assam as assisted emigrants, and for investigation into their circumstances;

(*f*) prescribing the information which shall be supplied by local forwarding agents to assisted emigrants regarding the conditions of life and work on tea estates, and the methods in which it shall be supplied;

(*g*) providing for any other matter which in the opinion of the Local Government may be required to give effect to the provisions of this Chapter.

(2) In making rules under clause (*b*), clause (*e*), clause (*f*) or clause (*g*) of sub-section (1), the Local Government may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

Inspection of depots, vessels and vehicles.

22. (1) The Civil Surgeon, the District Magistrate or the Sub-Divisional Magistrate, or any Magistrate or police officer not below the rank of Inspector, deputed by the District Magistrate or the Sub-Divisional Magistrate, may enter a local forwarding agent's depot, or any depot maintained by an employing interest on a prescribed route to Assam, and inspect the accommodation, feeding arrangements, and sanitary arrangements provided for assisted emigrants and their families and all registers and other documents required to be maintained or kept by or under this Act and shall record the results of such inspection in a book to be kept in such depot for the purpose.

(2) The Civil Surgeon or such Magistrate or person deputed may also enter and inspect any vessel, train or vehicle on which assisted emigrants are travelling, or on which he has reason to

believe that any assisted emigrant is travelling, whether along a prescribed route or not.

Action where proper arrangements not made for assisted emigrants

23. If the Governor-General in Council is satisfied that an employing interest recruiting assisted emigrants in a controlled area is not making proper provision for the forwarding, accommodation or feeding of such emigrants and their families on their journey to Assam, he may require the Local Government to direct all District Magistrates concerned to cancel or suspend all licences under section 17 held by local forwarding agents on behalf of such employing interest:

Provided that the Governor-General in Council shall not make any requisition for the cancellation of licences under this section until he has given the employing interest concerned an opportunity to submit its explanation.

Cancellation of licences.

24. (1) The Local Government may cancel wholly or in part any licence granted to a local forwarding agent, and a District Magistrate may cancel wholly or in part any licence granted by him to a local forwarding agent,—

(*a*) if in the opinion of the Local Government or of the District Magistrate, as the case may be, such agent has been guilty of misconduct or wilful default or negligence in the discharge of the duties imposed upon him by or under this Act, or

(*b*) if the employing interest, on whose application the licence was granted, has applied to the Local Government or to the District Magistrate, as the case may be, for the cancellation of the licence, or

(*c*) if in the opinion of the Local Government or of the District Magistrate, as the case may be, an employer on whose behalf the agent is licensed to act has been guilty of misconduct, or wilful default or negligence in the discharge of the duties imposed upon him by or under this Act:

Provided that no licence shall be cancelled under clause (*a*) until the holder thereof has or under clause (*c*) until the holder thereof and the employer concerned have had an opportunity to show cause against the cancellation:

Provided further that a cancellation under clause (*c*) shall, where the agent is licensed to act on behalf of more than one employer, operate only to prevent the agent from acting on behalf of the employer held guilty.

(2) A local forwarding agent whose licence has been cancelled by a District Magistrate under clause (*a*) of sub-section (1), or any employing interest on whose behalf he acts, may, within three months from the date of the District Magistrate's order, appeal to the Local Government, whose decision shall be final.

Penalty for illicit abetment of emigration.

25. Where any person who is required to be taken or sent to a local forwarding agent's depot in any district under section 18 leaves that district on his journey to Assam without being so taken or sent, or, being an assisted emigrant, proceeds to Assam otherwise than in accordance with section 19, or by any route other than a route prescribed under section 37, any person who abets him in so leaving the district or in so proceeding to Assam, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

CHAPTER IV.

RESTRICTED RECRUITING AREAS.

Power to declare restricted recruiting areas.

26. (1) The Local Government of a recruiting province may with the previous sanction of the Governor-General in Council, by notification in the local official Gazette, declare any controlled emigration area or any part of a controlled emigration area within such province to be a restricted recruiting area, and thereupon the provisions of this Chapter shall apply to that area:

Provided that, subject to the like sanction, the Local Government may, by the same or by subsequent notification, declare that any of the provisions of this Chapter shall not apply in such area, or shall apply subject to such general or special relaxations as may be specified.

(2) A notification under sub-section (1) shall be expressed to take effect from a date not earlier than two months from the date of its publication, and during the said two months licences may be granted under section 27 or certificates may be granted and endorsements made under section 28, and such licences, certificates and endorsements shall be dated as being granted or made on the date on which the notification takes effect and shall not be valid until that date.

Grant of licences to recruiters.

27. (1) Subject to rules made under sub-section (2) and sub-section (3), the District Magistrate may grant a licence to any person to act as recruiter in the whole or any part of his district.

(2) The Governor-General in Council may, by notification in the Gazette of India, make rules prescribing the qualifications for persons who may be granted licences under this section.

(3) The Local Government having jurisdiction over any restricted recruiting area may, by notification in the local official Gazette, make rules—

(a) regulating the procedure of the District Magistrate in granting such licences,

(b) prescribing the form and particulars of such licences, and the fees, not exceeding ten rupees, to be paid therefor.

Grant of certificates to garden-sardars.

28. (1) Subject to rules made under sub-section (2), the owner or manager of a tea estate may grant a certificate to any person employed on such estate as a labourer or in a position of supervision or management empowering him to recruit labour for such estate in the whole or any part of a restricted recruiting area, and such person shall thereupon be entitled to recruit labour for such estate as a garden-sardar in the area specified:

Provided that the Local Government having jurisdiction over any restricted recruiting area may, by notification in the local official Gazette, make rules directing that certificates of garden-sardars or of specified classes of garden-sardars shall not be valid in any district in any such area until they have been endorsed as valid for that district by the District Magistrate or a Magistrate authorised by the District Magistrate in this behalf.

(2) The Local Government of Assam may make rules—

(*a*) regulating the procedure of owners and managers in granting and withdrawing such certificates,

(*b*) prescribing the form and particulars of such certificates.

Cancellation and suspension of recruiter's licence.

29. The District Magistrate may, for reasons to be recorded by him, cancel or suspend the licence of a recruiter on the ground of his misconduct or wilful neglect or default in the discharge of the duties imposed on him by or under this Act:

Provided that no licence shall be cancelled under this section until the holder thereof has had an opportunity of showing cause against the cancellation.

Cancellation of garden-sardar's certificate.

30. (1) The District Magistrate of any district in respect of any part of which a garden-sardar holds a certificate may cancel the certificate if he is satisfied that the garden-sardar has contravened any of the provisions of this Act or of the rules made thereunder.

(2) A District Magistrate cancelling a certificate under sub-section (1) shall record his reasons, and shall send intimation of his action to the District Magistrate of every other district in respect of any part of which the certificate was valid and to the person who granted the certificate.

Penalty for illicit recruitment.

31. Whoever, not being a licensed recruiter holding a licence under section 27, or a garden-sardar holding a valid certificate under section 28, or a local forwarding agent holding a licence under section 17, in any part of a restricted recruiting area gives or offers any money or goods to any person, or defrays or offers to defray any travelling expenses of any person, as an inducement to such person to proceed to Assam as an assisted emigrant, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

CHAPTER V.

SUPPLEMENTAL.

Prohibition of the recruitment of children.

32. (1) No person shall in any way assist a child to proceed from any recruiting province to Assam, to work in any capacity on a tea estate, unless such child is accompanied by a parent or other adult relative on whom he is dependent, and no person shall so assist a married woman who is living with her husband unless she is so proceeding with the consent of her husband.

(2) Any person who knowingly contravenes the provisions of this section shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to detain and return sick persons.

33. (1) Where it appears to the Controller that any person proceeding to a tea garden with assistance, or any member of the family of such person, is suffering from an infectious or contagious disease, or is not in a fit state of health to proceed on his journey, the Controller may—

(*a*) detain such person and his family,

(*b*) send the sufferer for medical treatment to a hospital or dispensary or other suitable place, and

(*c*) cause all necessary arrangements to be made for the accommodation and feeding of the other members of the party so detained,

and all arrangements for such detention and treatment shall be made by and at the cost of the employing interest on whose behalf such person was recruited.

(2) Where it appears that a sufferer detained under sub-section (1) is not likely to be in a fit state of health to proceed on his journey within a reasonable time, the Controller may direct that he and the other members of his party detained with him shall be returned to the home of the person proceeding with assistance by and at the cost of the employing interest on whose behalf such person was recruited.

Power to return person improperly recruited.

34. Where it appears to the Controller after such inquiry as he thinks fit to make that any person proceeding to a tea estate with assistance—

(*a*) has been recruited by coercion, undue influence, fraud or misrepresentation, or

(*b*) has been recruited or forwarded otherwise than in accordance with the provisions of this Act and the rules made thereunder,

the Controller may direct that such person and his family shall if such person so desires be returned to his home by and at the cost of the employing interest on whose behalf he was recruited.

Power to enforce the provisions of sections 33 and 34.

35. (1) If an employing interest fails to make arrangements to the satisfaction of the Controller for the detention or treatment of any person detained under sub-section (1) of section 33, the Controller may himself make such arrangements and defray the cost out of any funds at his disposal.

(2) In making a direction under sub-section (2) of section 33 or under section 34 the Controller may fix a period within which such person and family shall be forwarded by the employing interest concerned, and shall send a copy of his direction to the employing interest concerned, and to the nearest agent, if any, of such employing interest in the province where such person then is.

(3) If the employing interest fails to comply with the direction within the time fixed, the Controller may cause such person and his family to be returned to his home and defray the costs out of any funds at the Controller's disposal.

(4) The Controller shall recover any costs incurred by him under this section from the employing interest concerned, and for the purposes of such recovery may certify the costs to be recovered to the Collector of any district in which a tea estate belonging to the employing interest concerned, or to any member thereof, is situated, and the Collector shall recover the amount and may recover it as an arrear of land-revenue.

(5) Any costs so certified may, where the employing interest concerned is a group or association of employers, be recovered from any one of such employers.

Magistrates and medical officers who may exercise the powers of the Controller.

36. (1) Subject to the provisions of sub-section (3) of section 10, any District Magistrate in Assam may exercise in respect of his district any power which the Controller by or under this Act could exercise in such district.

(2) The Controller may transfer any proceeding under Chapter II pending before him to the District Magistrate having jurisdiction under sub-section (1) to dispose of it.

(3) The Local Government of a recruiting province may invest a District Magistrate or a Sub-Divisional Magistrate and the Local Government of Assam may invest a Sub-Divisional Magistrate with any of the powers of the Controller under section 4 or section 33 or section 34 or section 35 in respect of his district or sub-division, as the case may be.

(4) The Local Government may invest any medical officer not below the rank of Assistant Surgeon with any of the powers of the Controller under section 33 and section 35.

Power of Governor-General in Council to make rules.

37. (1) The Governor-General in Council may, by notification in the Gazette of India, make rules—

(*a*) regulating the procedure of the Controller and of persons exercising the powers of the Controller in the exercise of their powers under this Act;

(*b*) where there are more authorities than one exercising any of the powers of the Controller in the same area, regulating the exercise of their powers by such authorities;

(*c*) prescribing scales of subsistence alowances for the purposes of section 12;

(*d*) prescribing the form of agreements under section 14;

(*e*) prescribing the routes by which assisted emigrants may be forwarded from districts in controlled emigration areas to tea districts;

(*f*) prescribing the manner in which assisted emigrants and their families shall be forwarded to Assam from the depots of local forwarding agents;

(*g*) prescribing the action to be taken by local forwarding agents and by persons in charge of depots on prescribed routes where an assisted emigrant or a member of his family appears to be suffering from infectious or contagious disease or where an assisted emigrant appears to have been recruited by coercion, undue influence, fraud or misrepresentation, or to have been recruited or forwarded otherwise than in accordance with the provisions of this Act and the rules made thereunder;

(*h*) directing that employers of emigrant labourers shall keep registers of such labourers and their families, and prescribing the form of such registers.

(*i*) directing that employing interests which recruit emigrant labourers shall keep registers of such labourers, and their families, and of their journeys to and from Assam, and prescribing the form of such registers;

(*j*) requiring employers of emigrant labourers and employing interests which recruit emigrant labourers to submit such return in respect of such labourers as the Governor-General in Council may think expedient for carrying out the purposes of this Act; and

(*k*) generally, to carry out the purposes of this Act.

(2) The Local Government of Assam may, by notification in the local official Gazette, make rules requiring employers of labourers on tea estates to submit returns of wages and earnings of labourers employed by them.

(3) In making rules under sub-section (1), the Governor-General in Council, and in making rules under sub-section (2) the Local Government, may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees.

Powers to extend the scope of this Act

38. (1) The Governor-General in Council may, by notification in the Gazette of India, declare that the provisions of this Act shall apply in respect of any lands and premises in Assam other than tea estates, and thereupon the provisions of this Act shall apply in all respects to such lands and premises as if they were tea estates.

(2) Subject to the control of the Governor-General in Council, the Local Government of Assam may, by notification in the local official Gazette, declare that the provisions of this Act shall apply in any area in Assam other than the districts specified in clause (*a*) of section 2, and thereupon the provisions of this Act shall apply in all respects to such area as if it were a tea district.

Saving for acts done in good faith under the Act.

39. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Bar of jurisdiction of Civil Courts.

40. No Civil Court shall have jurisdiction—

(*a*) to deal with or decide any question which the Controller is, by or under this Act, empowered to deal with or to decide, or

(*b*) to enforce any liability incurred under this Act.

Repeal of Act VI of 1901 and certain consequences.

41. (1) The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

(2) The Assam Labour Board constituted under section 116-A of the Assam Labour and Emigration Act, 1901, is hereby dissolved.

(3) All accumulations of the cess leviable under section 116-E of the said Act are hereby transferred to the credit of the Emigrant Labour Fund, subject to the payment of all outstanding claims payable out of the said accumulations.

THE SCHEDULE.

(*See* section 41.)

Year. 1	No. 2	Short title. 3	Extent of repeal. 4
1901	VI ..	The Assam Labour and Emigration Act, 1901.	The whole.
1908	XI ..	The Assam Labour and Emigration (Amendment) Act, 1908.	The whole.
1915	VIII ..	The Assam Labour and Emigration (Amendment) Act, 1915.	The whole.
1920	XXXVIII	The Devolution Act, 1920.	In Part I of the First Schedule, the entry relating to the Assam Labour and Emigration Act, 1901 (VI of 1901).
1927	XXXI	The Assam Labour and Emigration (Amendment) Act, 1927	The whole.

THE CRIMINAL LAW AMENDMENT ACT, 1932.

ACT No. XXIII OF 1932.

[19*th December*, 1932.

An Act to supplement the Criminal Law.

WHEREAS it is expedient to supplement the Criminal Law and to that end to amend the Indian Press (Emergency Powers) Act, 1931, and further to amend temporarily the Indian Criminal Law Amendment Act, 1908, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title, extent, duration and commencement.

1. (1) This Act may be called THE CRIMINAL LAW AMENDMENT ACT, 1932.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall remain in force for three years from its commencement.

(4) The whole of the Act except section 4 and section 7 shall come into force at once, and the Local Government may, by notification in the local official Gazette, direct that section 4 or section 7 shall come into force in any area on such date as may be specified in the notification.

Dissuasion from enlistment.

2. Whoever wilfully dissuades or attempts to dissuade the public or any person from entering the Military, Naval, Air or Police service of His Majesty shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Exception 1.—This provision does not extend to comments on or criticisms of the policy of Government in connection with the Military, Naval, Air or Police service made in good faith and without any intention to dissuade from enlistment.

Exception 2.—This provision does not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given or for the benefit of any member of his family or of any of his dependants.

Tampering with public servants.

3. Whoever induces or attempts to induce any public servant to fail in his duty as such servant shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Explanation.—For the purposes of this section, a public servant denotes a public servant as defined in section 21 of the Indian Penal Code, a servant of a local authority or railway administration, a village choukidar, and an employee of a public utility service as defined in section 2 of the Trade Disputes Act, 1929.

Boycotting a public servant.

4. (1) Whoever, with intent to harass any public servant in the discharge of his duties, or to cause him to terminate his services

or fail in his duty, refuses to deal with, whether by supplying goods to, or otherwise, or to let on reasonable rent a house usually let for hire or land not being cultivated land to, or to render any customary service to such public servant or any member of his family, on the terms on which such things would be done in the ordinary course, or withholds from such person or his family such medical services as he would ordinarily render, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Explanation.—For the purposes of this section "public servant" has the same meaning as in section 3 but includes also a person in the Military, Naval or Air Service of His Majesty.

(2) No Court shall take cognizance of an offence punishable under this section unless upon complaint made by order of or under authority from the Local Government or some officer empowered by the Local Government in this behalf.

Dissemination of contents of proscribed document.

5. (1) Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared to be forfeited to His Majesty under any law for the time being in force, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) No Court shall take cognizance of an offence punishable under this section unless the Local Government has certified that the passage published, circulated or repeated contains, in the opinion of the Local Government, seditious or other matter of the nature referred to in sub-section (1) of section 99-A of the Code of Criminal Procedure, 1898, or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931.

Dissemination of false rumours.

6. (1) Whoever makes, publishes or circulates any statement, rumour or report which is false and which he has no reasonable ground to believe to be true, with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public or hatred or contempt towards any class of public servants or any class of His Majesty's subjects shall be punished with imprisonment which may extend to one year, or with fine, or with both.

Explanation.—For the purposes of this section "public servant" means a public servant as defined in section 21 of the Indian Penal Code.

(2) So long as this section remains in force, clause (*b*) of section 505 of the Indian Penal Code shall be inoperative.

Molesting a person to prejudice of employment or business.

7. (1) Whoever—

(*a*) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place, or interferes with any property owned or used by him or deprives him of or hinders him in the use thereof, or

(*b*) loiters or does any similar act at or near the place where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation.—Encouragement of indigenous industries or advocacy of temperance, without the commission of any of the acts prohibited by this section is not an offence under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of officer in charge of a police station.

Power to order parent or guardian to pay fine imposed on young person.

8. (1) Where any young person under the age of sixteen years is convicted by any Court of an offence which, in the opinion of the Court, has been committed in furtherance of a movement prejudicial to the public safety or peace and such young person is sentenced to fine, the Court may order that the fine shall be paid by the parent or guardian of such young person as if it had been a fine imposed upon the parent or guardian.

Explanation.—In this section the word "guardian" includes any person who, in the opinion of the Court, has for the time being the charge of or control over the offender.

(2) Before making an order under this section the Court shall give the parent or guardian an opportunity to appear and be heard, and no such order shall be made if the parent or guardian satisfies the Court that he has not conduced to the commission of the offence by neglecting to control the offender, or that the offence was not committed in furtherance of a movement prejudicial to the public safety or peace.

(3) Where a parent or guardian is ordered to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

Procedure in offences under the Act.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898,—

(*i*) no Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act;

(*ii*) an offence punishable under section 2, 3, 5, 6 or 7 shall be cognizable by the police;

(*iii*) an offence punishable under section 4 shall be an offence in which a warrant shall ordinarily issue in the first instance; and

(*iv*) an offence punishable under section 7 shall be non-bailable.

Power of Local Government to make certain offences cognizable and non-bailable.

10. (1) The Local Government may, by notification in the local official Gazette, declare that any offence punishable under section 186, 188, 189, 190, 228, 295-A, 298, 505, 506 or 507 of the I P. C., when committed in any area specified in the notification shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, be cognizable, and thereupon the Code of Criminal Procedure, 1898, shall, while such notification remains in force, be deemed to be amended accordingly.

(2) The Local Government may, in like manner and subject to the like conditions, and with the like effect, declare that an offence punishable under section 188 or section 506 of the Indian Penal Code shall be non-bailable.

Amendment of section 16, Act XIV of 1908.

11. So long as this Act remains in force, section 16 of the Indian Criminal Law Amendment Act, 1908, shall be deemed to be re-numbered as sub-section (1) of section 16 and to that section as so re-numbered the following sub-section shall be deemed to be added, namely:—

"(2) The Governor-General in Council, if satisfied to the like effect, may, by notification in the *Gazette of India*, declare an association to be an unlawful association, and thereupon such association shall be, so long as the declaration remains in force, an unlawful association for the purposes of this Act throughout the whole of British India."

Amendment of section 17, Act XIV of 1908.

12. So long as this Act remains in force, to section 17 of the Indian Criminal Law Amendment Act, 1908, the following sub-section shall be deemed to be added, namely:—

"(3) An offence under sub-section (1) shall be cognizable by the police, and notwithstanding anything contained in the Code of Criminal Procedure, 1898, shall be non-bailable."

Insertion of new sections 17A, 17B, 17C, 17D, 17E and 17F in Act XIV of 1908.

13. So long as this Act remains in force, after section 17 of the Indian Criminal Law Amendment Act, 1908, the following sections shall be deemed to be inserted, namely:—

"17-A. (1) The Local Government may, by notification in the local official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

Power to notify and take possession of places used for the purposes of an unlawful association.

Explanation.—For the purposes of this section 'place' includes a house or building, or part thereof or a tent or vessel.

(2) The District Magistrate or in a Presidency-town the Commissioner of Police, or any officer authorised in this behalf in writing by the District Magistrate or Commissioner of Police, as the case may be, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking possession to the Local Government:

Provided that where such place contains any apartment occupied by women or children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of Government so long as the notification under sub-section (1) in respect thereof remains in force.

17-B. (1) The District Magistrate, Commissioner of Police or officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof in the presence of two respectable witnesses.

Moveable property found in a notified place.

(2) If, in the opinion of the District Magistrate, or in a Presidency-town the Commissioner of Police, any articles specified in the list are or may be used for the purposes of the unlawful association, he may proceed subject to the provisions hereafter contained in this section to order such articles to be forfeited to His Majesty.

(3) All other articles specified in the list shall be delivered to the person whom he considers to be entitled to possession thereof, or, if no such person is found, shall be disposed of in such manner as the District Magistrate or Commissioner of Police, as the case may be, may direct.

(4) The District Magistrate or Commissioner of Police shall publish, as nearly as may be in the manner provided in section 87 of the Code of Criminal Procedure, 1898, for the publication of a proclamation, a notice specifying the articles which it is proposed to forfeit and calling upon any person claiming that any article is not liable to forfeiture to submit in writing within fifteen days any representation he desires to make against the forfeiture of the article.

(5) Where any such representation is accepted by the District Magistrate or Commissioner of Police, he shall deal with the article concerned in accordance with the provisions of sub-section (3).

(6) Where any such representation is rejected, the representation, with the decision thereon, shall be forwarded to the District Judge, in the case of a decision by a District Magistrate, or, to the Chief Judge of the Small Cause Court, in the case of a decision by the Commissioner of Police, and no order of forfeiture shall be made until the District Judge or Chief Judge of the Small Cause Court, as the case may be, has adjudicated upon the representation. Where the decision is not confirmed the articles shall be dealt with in accordance with the provisions of sub-section (3).

(7) In making an adjudication under sub-section (6) the procedure to be followed shall be the procedure laid down in the Code of Civil Procedure, 1908, for the investigation of claims so far as it can be made to apply, and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final.

(8) If the article seized is livestock or is of a perishable nature, the District Magistrate or Commissioner of Police may, if he thinks it expedient, order the immediate sale thereof, and the proceeds of the sale shall be disposed of in the manner herein provided for the disposal of other articles.

Trespass upon notified places.

17-C. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass.

The relinquishment of property.

17-D. Before a notification under sub-section (1) of section 17-A is cancelled, the Local Government shall give such general or special directions as it may deem requisite regulating the relinquishment by Government of possession of notified places.

Power to forfeit funds of an unlawful association.

17-E. (1) Where the Local Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, declare such monies, securities or credits to be forfeited to His Majesty.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy such person shall pay or deliver the monies, securities or credits to the order of the Local Government:

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Local Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Before an order of forfeiture is made under sub-section (1) the Local Government shall give written notice to the person

16. In sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931,— Amendment of section 4. Act XXIII of 1931.

(*a*) after clause (*b*) the following words and clauses shall be inserted, namely:—

"or which tend, directly or indirectly,—

(*c*) to seduce any officer, soldier, sailor or airman in the military, naval or air forces of His Majesty or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any class or section of His Majesty's subjects in British India, or to excite disaffection towards His Majesty or the said Government, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land-revenue, tax, rate, cess or other due or amount payable to Government or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of His Majesty's forces, or in any police force, or to prejudice the training, discipline or administration of any such force,";

(*b*) the *Explanation* shall be numbered as *Explanation* 1, and after the *Explanation* as so numbered the following *Explanations* shall be inserted, namely:—

"*Explanation* 2.—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

Explanation 3.—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall

not be deemed to be of the nature described in clause (*d*) of this sub-section.

Explanation 4.—Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section."

Cessation of effect of section 62, Ordinance X of 1932.

17. On the commencement of this Act section 62 of the Special Powers Ordinance, 1932, shall cease to have effect.

Adoption and continuance of action taken under Ordinance X of 1932.

18. Anything done or any proceedings commenced in pursuance of the provisions of Chapter VI of the Special Powers Ordinance, 1932, shall, upon the commencement of this Act, be deemed to have been done or to have been commenced in pursuance of the corresponding provisions of the Indian Criminal Law Amendment Act, 1908, as amended by this Act, and shall have effect as if this Act was already in force when such thing was done or such proceedings were commenced.

Adoption and continuance of action taken under Act XXIII of 1931 as amended by Ordinance X of 1932.

19. Anything done or any proceedings commenced in pursuance of the provisions of the Indian Press (Emergency Powers) Act, 1931, as amended by section 77 of the Special Powers Ordinance, 1932, shall, upon the commencement of this Act, be deemed to have been done or to have been commenced in pursuance of the corresponding provisions of the Indian Press (Emergency Powers) Act, 1931, as amended by this Act, and shall have effect as if this Act was already in force when such thing was done or such proceedings were commenced.

Trial of, and completion of trials of, offences against Ordinance X of 1932.

20. Any person accused of the commission of an offence punishable under section 24, 25, 26, 28, 67 or 70, or by reason of the provisions of Chapter VI of the Special Powers Ordinance, 1932, may, notwithstanding the expiry of the said Ordinance, be tried and punished as if such offence were an offence punishable under or by reason of the corresponding enactment of this Act, and as if this Act had been in force at the time of such commission; and any trial of any such offence begun but not completed at the expiry of the Special Powers Ordinance, 1932, may be continued and completed as if it had been begun after the passing of this Act:

Provided that no trial of an offence punishable under section 67 or 70 of the said Ordinance shall be begun, continued or completed in any area in which section 4 or section 7, as the case may be, is not in force.

THE BENGAL SUPPRESSION OF TERRORIST OUTRAGES (SUPPLEMENTARY) ACT, 1932.

ACT No. XXIV OF 1932.

[*23rd December*, 1932.

An Act to supplement the Bengal Suppression of Terrorist Outrages Act, 1932.

WHEREAS it is expedient to supplement the Bengal Suppression of Terrorist Outrages Act, 1932; It is hereby enacted as folows:—

Short Title.

1. This Act may be called THE BENGAL SUPPRESSION OF TERRORIST OUTRAGES (SUPPLEMENTARY) ACT, 1932.

Definitions.

2. In this Act,—

(*a*) "Code" means the Code of Criminal Procedure, 1898; and

(*b*) "local Act" means the Bengal Suppression of Terrorist Outrages Act, 1932.

Appeals.

3. (1) An appeal shall lie to the High Court of Judicature at Fort William in Bengal, from—

(*a*) any sentence passed by a Special Magistrate in any trial held under the local Act in the Presidency-town of Calcutta,

(*b*) any sentence of transportation for a term exceeding two years, or of imprisonment for a term exceeding four years passed by a Special Magistrate in any trial under the local Act held outside the Presidency-town of Calcutta.

(2) An appeal under sub-section (1) shall be presented within thirty days from the date of the sentence, and shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code for the hearing of appeals.

Effect of section 19 of local Act.

4. Section 19 of the local Act shall have effect as if it had been enacted by the Indian Legislature.

Exclusion of interference of Courts with proceedings under local Act.

5. Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law, there shall, save as provided in the local Act as supplemented by this Act, be no appeal from any order or sentence passed by a Special Magistrate under the local Act and save as aforesaid no Court shall have authority to revise such order or sentence, or to transfer any case from any such Magistrate, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Magistrate, or of any direction made under Chapter II of the local Act:

Provided always that nothing herein contained shall affect the powers of the High Court under section 107 of the Government of India Act.

THE INDIAN TARIFF (OTTAWA TRADE AGREEMENT) AMENDMENT ACT, 1932.

ACT No. XXV OF 1932.

[*23rd December*, 1932.

An Act further to amend the Indian Tariff Act, 1894, *for certain purposes.*

WHEREAS at the Imperial Economic Conference held at Ottawa between the 21st day of July and the 20th day of August, 1932, the Government of India by their representatives made with His Majesty's Government in the United Kingdom by their representatives a Trade Agreement;

AND WHEREAS a Supplementary Agreement regarding iron and steel was likewise made by the said Governments;

AND WHEREAS in pursuance of the said Trade Agreement and the said Supplementary Agreement it is expedient to amend the Indian Tariff Act, 1894, in the manner hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called THE INDIAN TARIFF (OTTAWA TRADE AGREEMENT) AMENDMENT ACT, 1932.

(2) It shall come into force on such date as the Governor-General in Council may, by notification in the Gazette of India, appoint.

Amendment of section 3, Act VIII of 1894.

2. In section 3 of the Indian Tariff Act, 1894 (hereinafter referred to as the said Act), after sub-section (3), the following sub-sections shall be inserted, namely:—

"(3-A) The duty to be levied and collected on any article chargeable under Part VIII or Part IX of the Second Schedule shall be at the standard rate specified for it, unless a preferential rate is specified for such article if it is the produce or manufacture of the United Kingdom or of a British Colony, and the article is determined, in accordance with rules made under sub-section (3-B), to be such produce or manufacture.

Explanation.—For the purposes of this section and of Parts VIII and IX of the Second Schedule, the expression "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland, and the expression "British Colony" includes a British Protectorate and any of the Mandated Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate.

(3-B) The Governor-General in Council may, by notification in the Gazette of India, make rules—

(*a*) for determining if any article is the produce or manufacture of the United Kingdom or a British Colony; and

(*b*) making provision, in cases where at the time of importation proof is not forthcoming where required in accordance with the rules made under clause (*a*) that any article is the produce or manufacture of the United Kingdom or a British Colony—

(*i*) whereby duty may be levied at the standard rate and a refund given of the extra duty paid if such proof is produced within a prescribed period, and

(*ii*) whereby duty may be accepted provisionally at the preferential rate on execution of a bond for the payment of the balance of duty if such proof is not produced within a prescribed period, and for the recovery of any balance due after the expiry of the prescribed period as if such balance were duty short-levied within the meaning of section 39 of the Sea Customs Act, 1878."

Amendment of the Second Schedule, Act VIII of 1894.

3. In the Second Schedule to the said Act, there shall be made the amendments specified in the Schedule to this Act.

Bar of operation of section 4, Indian Finance Act, 1931, and section 4, Indian Finance (Supplementary and extending) Act, 1931.

4. (1) Notwithstanding anything contained in section 4 of the Indian Finance Act, 1931, the additional duties imposed by that section shall not be levied or collected on any articles chargeable with duty under Part VIII or Part IX of the said Schedule to the said Act as amended by section 3 of this Act.

(2) Notwithstanding anything contained in section 4 of the Indian Finance (Supplementary and Extending) Act, 1931, the additional duty imposed by that section shall not be levied or collected on iron or steel sheets comprised in Item No. 148-A of the Second Schedule to the said Act as inserted by section 3 of this Act.

THE SCHEDULE.

(*See* section 3)

***Amendments to the Second Schedule to the Indian Tariff Act,* 1894**

1. In Item No. 27, the words "or dry" shall be omitted.

2. In Item No. 28, for the entry in the second column the following entry shall be substituted, namely:—

"PORTER, cider and other fermented liquors except ale and beer."

3. In Item No. 30,—

(*a*) in sub-item (1), the word "rum" shall be omitted;

(*b*) in sub-item (2), for the brackets and words "(other than drugs and medicines)" the words "not otherwise specified" shall be substituted; and

(*c*) sub-items (3) and (4) shall be omitted.

4. Item No. 36 shall be omitted.

5. In Item No. 41, sub-item (2) shall be omitted, and sub-item (3) shall be renumbered as sub-item (2).

6. In Item No. 41-B, after the word "SHOES" the words "not otherwise specified" shall be added.

7. In Item No. 42,—

(*a*) sub-item (1) shall be omitted;

(*b*) in sub-item (2), for the entry in the second column the following entry shall be substituted, namely:—

"(2) Barrels, whether single or double, for firearms, including gas and air guns, gas and air rifles, and gas and air pistols, not otherwise specified."; and

(*c*) sub-items (2) to (8) shall be renumbered as sub-items (1) to (7).

8. For Item No. 42-A the following item shall be substituted, namely:—

"42-A	MOTOR CYCLES and motor scooters and articles (other than rubber tyres and tubes) adapted for use as parts and accessories thereof except such articles as are also adapted for use as parts and accessories of motor cars.	*Ad valorem*	20 per cent"

9. Item No. 43 with the heading thereto, Item No. 46-C, and Items Nos. 60, 61 and 62 with the heading thereto shall be omitted.

10. In Item No. 65, for the words "excluding salted fish (*see* No. 27)", the words "not otherwise specified" shall be substituted.

11. Item No. 67 with the heading thereto shall be omitted.

12. In Item No. 69, for the words "all sorts, excluding Vinegar in casks (*see* No. 48)", the words "all sorts not otherwise specified; including also the following articles if canned or bottled, namely, bacon, ham, biscuits, cakes, butter, vegetable product, cheese, farinaceous and patent foods, ghee, isinglass, jams and jellies, lard, pickles, chutnies, sauces and condiments" shall be substituted

13. Item No. 71 with the heading thereto, and Item No. 72 shall be omitted

14. In Item No. 74, the brackets, words and figures "(*see* No. 10-B)" shall be omitted.

15. For Item No. 75 the following item shall be substituted, namely:—

"75	All sorts of ANIMAL and MINERAL OILS not otherwise specified, and the following NATURAL ESSENTIAL OILS, namely, almond, bergamot, gajupatti, camphor, cloves, eucalyptus, lavender, lemon, pottorose and pepermint "

16. Item No. 82, and Item No. 85 with the heading thereto shall be omitted.

17. For Item No. 87 the following item shall be substituted, namely:—

"87	TRAMCARS, passenger lifts, and all other sorts of conveyances not otherwise specified and component parts and accessories thereof; also motor vans and motor lorries imported complete."

18. For Item No. 88 the following item shall be substituted, namely:—

"88	The following CHEMICALS, DRUGS and MEDICINES, namely, acetic, carbolic, citric and oxalic acids, naphthalene, potassium chlorate and potassium cyanide, bicarbonate of soda, borax, sodium silicate, arsenic, calcium carbide, glycerine, ferrous sulphate, lead, magnesium and zinc compounds not otherwise specified, aloes, asafoetida, cocaine, sarsaparilla and storax "

19. For Items Nos. 89, 90, 90-A, 90-B and 91 the following items shall be substituted, namely:—

"89	The following HARDWARE, IRONMONGERY and TOOLS, namely, agricultural implements not otherwise specified, buckets of tinned or galvanised iron, and pruning knives.
90	The following ELECTRICAL INSTRUMENTS, APPARATUS and APPLIANCES, namely, telegraphic and telephonic instruments, apparatus and appliances not otherwise specified, flash lights, carbons, condensers, and bell apparatus; and switch-boards designed for use in circuits of less than ten *amperes* and at a pressure not exceeding 250 volts
91	OPTICAL INSTRUMENTS, APPARATUS AND APPLIANCES."

20. In Item No. 92, the words "and paints and colours and painters' materials, all sorts" shall be omitted.

21. For Item No. 93 with the heading thereto the following item shall be substituted, namely:—

"93	The following PAINTS, COLOURS and PAINTERS' MATERIALS, namely, barytes, reduced dry red lead and white lead, reduced dry zinc white and moist zinc white, turpentine, turpentine substitute, and varnish not containing dangerous petroleum within the meaning of the Indian Petroleum Act, 1899."

22. In Item No. 94, the words "earthenware, china and porcelain," shall be omitted.

23. After Item No. 94 the following item shall be inserted, namely:—

"94-A	EARTHENWARE pipes and sanitary ware."

24. For Item No. 95 the following item shall be substituted, namely:—

"95	HIDES AND SKINS not otherwise specified, and the following LEATHER MANUFACTURES, namely, saddlery, harness, trunks and bags."

25. Item No. 96 with the heading thereto, and Item No. 97 with the heading thereto, shall be omitted.

26. In Item No. 98, after the word "specified" the words "including unwrought ingots, blocks and bars of aluminium, scrap copper, copper braziers and lead sheets for tea chests" shall be added.

27. Item No. 99 with the heading thereto shall be omitted.

28. In Item No. 100, for the words "Haberdashery and millinery, excluding articles made of silk or artificial silk and silk or artificial silk mixtures" the words "Towels not in the piece" shall be substituted; and for the words "Woollen yarn, knitting wool, and other manufactures of wool, including felt" the words "Woollen blankets and rugs other than floor rugs" shall be substituted.

29. Item No. 102 shall be omitted.

30. For Item No. 103 the following item shall be substituted, namely:—

"103	The following BUILDING AND ENGINEERING MATERIALS, namely bricks, chalk, lime and clay."

31. Item No. 105 and Item No. 106 shall be omitted.

32. In Item No. 108, after the word "MATTINGS" the words "not otherwise specified" shall be added.

33. After Item No. 108 the following item shall be inserted, namely:—

"108A	NEWSPAPERS, old, in bales and bags."

34. Item No. 110 and Item No. 111 shall be omitted.

35. In Item No. 113, for the words "PITCH, TAR AND DAMMER" the words "PITCH AND TAR" shall be substituted.

36. For Item No. 115 the following item shall be substituted, namely:—

"115	SLATE PENCILS."

37. After Item No. 116 the following item shall be inserted, namely:—

"117	STRAW BOARD, all sorts."

38. Item No. 119, Item No. 122 and Item No. 124 shall be omitted.

39. In Item No. 124-A, after the word "SPICES" the words "when not unground" shall be inserted.

40. In Item No. 126, for the words "subject to the exemptions specified in No. 12, all articles other than those specified in entries Nos. 42, 86-A and 141" the words "save where otherwise specified, all articles" shall be substituted, and the words "which are dutiable as hardware under No. 90" shall be omitted.

41. Item No. 128-A shall be omitted.

42. For Item No. 129 the following item shall be substituted, namely:—

"129 ARTICLES, other than cutlery and surgical instruments, plated with gold or silver."

43. For Item No. 130 the following item shall be substituted, namely:—

"130 The following MUSICAL INSTRUMENTS, namely, complete organs and harmoniums and records for talking machines."

44. Item No. 140, Item No. 141, and Item No. 141-A with the heading thereto, shall be omitted.

45. With effect to the 31st day of March, 1934, for sub-item (*b*) of Item No. 148, the following sub-item shall be deemed to be substituted, namely:—

"(*b*) not fabricated, all sorts not otherwise specified—	
of British manufacture ..	Rs. 35 per ton.
not of British manufacture ..	Rs. 59 per ton."

46. With effect to the 31st day of March, 1934, after Item No. 148 the following item shall be deemed to be inserted, namely:—

"148-A	IRON OR STEEL sheets (including cuttings, discs and circles) under ⅛ inch thick, galvanized, not fabricated—	
	of British manufacture—	
	(*i*) if made from Indian sheet bar ..	Rs. 30 per ton.
	(*ii*) if made from sheet bar other than Indian sheet bar ..	Rs. 53 per ton.
	not of British manufacture ..	Rs. 83 per ton."

47. After Part VII the following Parts shall be inserted, namely:—

"PART VIII.

Articles which are liable to duty at 30 per cent. *ad valorem* or to preferential duty at 20 per cent.

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom.	A British Colony.
1	2	3	4	5
	I.—Food, Drink and Tobacco.			
	FISH.			
161	FISH, UNSALTED, dry ..	30 per cent	..	20 per cent.

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
			The United Kingdom.	A British Colony.
1	2	3	4	5
	I.—Food, Drink and Tobacco—Contd.			
	FRUITS AND VEGETABLES.			
162	FRUITS AND VEGETABLES, all sorts, fresh, dried, salted or preserved, not otherwise specified, including vanilla beans.	30 per cent.	..	20 per cent.
	PROVISIONS AND OILMAN'S STORES.			
163	COCOA and CHOCOLATE other than confectionery.	Do.	20 per cent.	..
164	COFFEE, canned or bottled ..	Do.	Do.	20 per cent.
165	FISH, canned ..	Do.	Do.	Do.
166	FRUIT JUICES ..	Do.	Do.	Do.
167	FRUITS AND VEGETABLES, canned or bottled.	Do.	Do.	Do.
168	MILK, condensed or preserved, including milk cream.	Do.	Do.	..
169	SAGO (excluding Sago flour) and TAPIOCA.	Do.	..	20 per cent.
170	CANNED OR BOTTLED PROVISIONS, not otherwise specified.	Do.	Do.	..
	II.—Raw materials and produce and articles mainly unmanufactured.			
	GUMS AND RESINS.			
171	GUMS, Arabic, Benjamin (ras and cowrie) and Dammer (including unrefined batu) and rosin.	Do.	..	20 per cent.
	OILS.			
172	The following NATURAL ESSENTIAL OILS, namely, citronella, cinnamon, and cinnamon leaf.	Do.	20 per cent.	Do.
173	NATURAL ESSENTIAL OILS, all sorts not otherwise specified.	Do.	Do.	..
174	ESSENTIAL OILS, synthetic ..	Do.	Do.	..
175	FISH OIL including whale oil ..	Do.	Do.	..

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
			The United Kingdom.	A British Colony.
1	2	3	4	5
	II.—Raw materials and produce and articles mainly unmanufactured— Contd.			
	SEEDS.			
176	OILSEEDS, non-essential, all sorts not otherwise specified, including copra or coconut kernel.	30 per cent	..	20 per cent.
	TEXTILE MATERIALS.			
177	SISAL and ALOE fibre ..	Do.	..	Do.
	WAX.			
178	BEESWAX ..	Do.	..	Do.
	MISCELLANEOUS.			
179	IVORY, unmanufactured ..	Do.	..	Do.
	III.—Articles wholly or mainly manufactured.			
	APPAREL.			
180	APPAREL, including hats, caps, bonnets and hatters' ware, secondhand clothing, drapery and uniforms and accoutrements, excluding articles made of wool, articles made of gold or silver thread or lametta, articles made of silk or silk mixtures or of artificial silk or artificial silk mixtures, uniforms and accoutrements exempted from duty under No. 11, and boots and shoes; excluding also waterproofed clothing.	Do.	20 per cent.	Do.
	CHEMICALS, DRUGS AND MEDICINES.			
181	CHEMICALS, DRUGS AND MEDICINES, all sorts not otherwise specified.	Do.	Do.	Do.
	CONVEYANCES.			
182	CARRIAGES AND CARTS which are not mechanically propelled, not otherwise specified, and CYCLES (other than motor cycles) imported entire or in sections and parts and accessories thereof; excluding rubber tyres and tubes.	Do.	Do.	..

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom.	A British Colony.
1	2	3	4	5
	III.—Articles wholly or mainly manufactured—Contd.			
	CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS.			
183	CUTLERY, all sorts not otherwise specified.	30 per cent.	20 per cent.	..
184	DOMESTIC REFRIGERATORS ..	Do.	Do.	..
185	HARDWARE, IRONMONGERY AND TOOLS, all sorts not otherwise specified, excluding machine tools and agricultural implements.	Do.	Do.	..
186	The following ELECTRICAL INSTRUMENTS, APPARATUS AND APPLIANCES, namely :— (*a*) ELECTRICAL CONTROL GEAR AND TRANSMISSION GEAR, namely, switches (excluding switch-boards), fuses and current-breaking devices of all sorts and descriptions, designed for use in circuits of less than ten *amperes* and at a pressure not exceeding 250 volts, and regulators for use with motors designed to consume less than 187 watts; bare or insulated copper wires and cables, any one core of which, not being one specially designed as a pilot core, has a sectional area of less than one-eightieth part of a square inch, and wires and cables of other metals of not more than equivalent conductivity; and line insulators, including also cleats, connectors, leading-in tubes and the like, of types and sizes such as are ordinarily used in connection with the transmission of power for other than industrial purposes, and the fittings thereof; (*b*) all other sorts of ELECTRICAL INSTRUMENTS, APPARATUS AND APPLIANCES not otherwise specified, excluding telegraphic and telephonic.	30 per cent.	20 per cent.	..
187	INSTRUMENTS, APPARATUS AND APPLIANCES other than electrical, all sorts not otherwise specified, including	Do.	Do.	..

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
			The United Kingdom.	A British Colony.
1	2	3	4	5
	III.—Articles wholly or mainly manufactured—Contd.			
	CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS—*Contd.*			
	photographic, scientific, philosophical and surgical.			
	DYES AND COLOURS.			
188	Cutch and gambier, all sorts ..	30 per cent.	..	20 per cent.
189	PAINTS, COLOURS AND PAINTER'S MATERIALS, all sorts not otherwise specified, including paints, solutions and compositions containing dangerous petroleum within the meaning of the Indian Petroleum Act, 1899.	Do.	20 per cent.	..
190	PLUMBAGO AND GRAPHITE ..	Do.	..	20 per cent.
	EARTHENWARE AND PORCELAIN.			
191	EARTHENWARE, CHINA AND PORCELAIN, all sorts not otherwise specified.	Do.	20 per cent.	..
	FURNITURE AND CABINETWARE.			
192	FURNITURE AND CABINETWARE of all materials, excluding mouldings.	Do.	Do.	..
	LEATHER.			
193	SKINS, tanned or dressed, unwrought LEATHER, LEATHER CLOTH including artificial leather, and other MANUFACTURES OF LEATHER not otherwise specified.	Do.	Do.	..
	MACHINERY.			
194	MACHINERY and component parts thereof, meaning machines or parts of machines to be worked by manual or animal labour, not otherwise specified, and any machines (except such as are designed to be used exclusively in industrial processes) which require for their operation less than one-quarter of one brake-horse-power.	30 per cent.	20 per cent.	..

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom.	A British Colony.
1	2	3	4	5
	III.—Articles wholly or mainly manufactured—Contd.			
	METALS—IRON AND STEEL.			
195	All sorts of IRON AND STEEL AND MANUFACTURES thereof not otherwise specified.	30 per cent.	20 per cent.	..
	METALS OTHER THAN IRON AND STEEL.			
196	METALS and manufactures thereof, namely :— (*a*) *Aluminium*—circles, sheets and other manufactures not otherwise specified. (*b*) *Brass, bronze* and similar alloys wrought, and manufactures thereof not otherwise specified. (*c*) *Copper wrought*, and manufactures of copper, all sorts not otherwise specified. (*d*) *German silver* including nickel silver. (*e*) *Lead wrought*—the following articles, namely, pipes and tubes and sheets other than sheets for tea chests. (*f*) *Zinc or spelter wrought* or manufactured not otherwise specified.	Do.	Do.	..
	PAPER, PASTEBOARD AND STATIONERY.			
197	PAPER AND ARTICLES MADE OF PAPER AND PAPIER MACHE; PASTEBOARD, MILL-BOARD AND CARDBOARD, all sorts other than strawboard; and STATIONERY including drawing and copy books, labels, advertising circulars, sheet or card almanacs and calendars, Christmas, Easter, and other cards, including cards in booklet form; including also waste paper but excluding paper and stationery otherwise specified.	Do.	Do.	..
	YARNS AND TEXTILE FABRICS.			
198	HABERDASHERY AND MILLINERY, all sorts, including lace and embroidery, but excluding towels not in the piece and articles made of wool or of silk or artificial silk or of silk or artificial silk mixtures.	Do.	Do.	..

No.	Names of articles.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom.	A British Colony.
1	2	3	4	5
	III—Articles wholly or mainly manufactured—Contd.			
	YARNS AND TEXTILE FABRICS—*Contd.*			
199	WOOLLEN YARN for weaving and KNITTING WOOL.	30 per cent.	20 per cent.	
	MISCELLANEOUS.			
200	ASBESTOS MANUFACTURES, not otherwise specified.	Do.	Do.	..
201	BRUSHES, all sorts ..	Do.	Do.	..
202	BUILDING AND ENGINEERING MATERIALS, all sorts not of iron, steel or wood not otherwise specified, including CEMENT (excluding Portland cement other than white Portland cement), tiles other than glass tiles, and fire-bricks not being component parts of any article included in No. 59-A or No. 63.	Do.	Do.	..
203	BUTTONS, metal ..	Do.	Do.	..
204	COIR fibre, coir yarn and coir mats and matting.	Do.	..	20 per cent.
205	CORDAGE, ROPE AND TWINE of vegetable fibre other than jute and cotton, not otherwise specified.	Do.	20 per cent.	..
206	CORK MANUFACTURES not otherwise specified.	Do.	Do.	..
207	GLUE, all sorts other than clarified liquid glue.	Do.	Do.	..
208	OIL CLOTH AND FLOOR CLOTH ..	Do.	Do.	..
209	PACKING—engine and boiler—all sorts not otherwise specified.	Do.	Do.	..
210	RUBBER TYRES AND TUBES and other MANUFACTURES OF RUBBER not otherwise specified, excluding apparel and boots and shoes.	Do.	Do.	..
211	TOILET REQUISITES not otherwise specified.	Do.	Do.	..
212	UMBRELLAS including parasols and sunshades, and fittings therefor.	Do.	Do.	..

PART IX.

Articles which are liable to duty at Special rates or to preferential duty at lower rates.

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom.	*A British Colony.
1	2	3	4	5	6
	I.—Food, Drink and Tobacco.				
213	CONFECTIONERY ..	*Ad valorem*	50 per cent.	40 per cent.	..
	FISH.		Rs. a. p.	Rs. a. p.	Rs. a. p.
214	FISH, salted, dry ..	Cwt.	3 8 0	..	1 8 0
	LIQUORS.				
215	ALE AND BEER ..	In barrels or other containers containing 27 oz. or more, per Imperial gallon.	1 2 0	0 14 0	..
		In bottles containing less than 27 oz. but not less than 20 oz., per bottle.	0 3 0	0 2 4	..
		In bottles containing less than 13½ oz. but not less than 10 oz., per bottle.	0 1 6	0 1 2	..
		In bottles containing less than 6¾ oz. but not less than 5 oz., per bottle.	0 0 9	0 0 7	..
		In other containers, per Imperial gallon.	1 8 0	1 2 8	..

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Pereferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
	I.—Food, Drink and Tobacco—Contd.				
	LIQUORS—*Contd.*				
216	SPIRITS—				
	(1) Bitters—				
	(*i*) entered in such a manner as to indicate that the strength is not to be tested.	Imperial gallon.	50 0 0	..	45 0 0
	(*ii*) not so entered ..	Imperial gallon of the strength of London proof.	37 8 0	..	33 12 0
	(2) Drugs and medicines containing spirit—				
	(*i*) entered in such a manner as to indicate that the strength is not to be tested.	Imperial gallon.	40 0 0	36 0 0	36 0 0
	(*ii*) not so entered ..	Imperial gallon of the strength of London proof.	29 0 0	26 0 0	26 0 0
	(3) Perfumed spirits ..	Imperial gallon.	60 0 0	52 8 0	..
	(4) Rum ..	Imperial gallon of the strength of London proof.	37 8 0	..	33 12 0
	Provided that— (*a*) on any article chargeable under this item with the lower rate of duty, the duty levied shall in no case be less than 20 per cent. *ad valorem*, and on any article chargeable under this item with the higher rate of duty, the duty levied shall in no case be less than 30 per cent. *ad valorem* ; (*b*) where the unit of assessment is the Im-				

No.	Names of articles.	Unit or method of of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom	A British Colony.
1	2	3	4	5	6
	I.—Food, Drink and Tobacco—Contd.				
	perial gallon of the strength of London proof, the duty shall be increased or reduced in proportion as the strength is greater or less than London proof.				
	SPICES.				
217	The following UNGROUND SPICES, namely:—				
	Cardamoms, cassia, cinnamon, cloves, nutmegs and pepper.	*Ad valorem*	45 per cent.	..	37½ per cent.
218	The following UNGROUND SPICES, namely:—				
	Chillies, ginger and mace.	Do.	30 per cent.	..	22½ per cent.
	TEA				
219	TEA ..	Pound ..	5 annas.	..	3 annas.
	OTHER FOOD AND DRINK.				
220	COFFEE not otherwise specified.	*Ad valorem*	25 per cent, *plus* one anna per pound.	..	25 per cent.
	TOBACCO.				
221	TOBACCO, unmanufactured.	Pound ..	Rs. 2.	..	Rs. 1-8-0.
	II.—Raw materials and produce and articles mainly unmanufactured.				
	OILS.				
222	MINERAL OIL which has its flashing point at or above two hundred degrees of the Fahrenheit thermometer by Abel's close test and is such as is not ordinarily used for any other purpose than for lubrication	Imperial gallon.	Two annas and six pies.	Six pies ..	..
223	The following VEGETABLE	*Ad valorem*	35 per cent.	..	25 per cent

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Perferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
	OILS—*Contd.*				
	NON-ESSENTIAL OILS namely, coconut, groundnut, and linseed.				
224	VEGETABLE NON-ESSENTIAL OILS not otherwise specified.	*Ad valorem*	35 per cent.	25 per cent.	25 per. cent.
	III.—Articles wholly or mainly manufactured.				
	APPAREL.				
225	BOOTS AND SHOES composed mainly of leather.	Do.	30 per cent. or 5 annas per pair, whichever is higher.	20 per cent. or 5 annas per pair, whichever is higher.	..
	ARMS, AMMUNITION AND MILITARY STORES.				
226	CARTRIDGE CASES, filled and empty.	*Ad valorem*	50 per cent.	40 per cent.	..
227	Subject to the exemptions specified in No.12—FIRE-ARMS, incidudidg gas and air guns, gas and air rifles and gas and air pistols,not otherwise specified, but excluding parts and accessories thereof.	Each ..	Rs. 18-12-0 *plus* 10 per cent. *ad valorem*, or 50 per cent. *ad valorem*, whichever is higher.	Rs. 18-12 0 or 40 per cent. *ad valorem*, whichever is higher.	..
	CHEMICALS, DRUGS AND MEDICINES.				
228	The following CHEMICALS, namely, cadmium sulphide, cobalt oxide, selenium, uranium oxide and zinc oxide.	*Ad valorem*	25 per cent.	15 per cent.	15 per cent.
	CONVEYANCES.				
229	MOTOR CARS including taxicabs and articles (other than rubber tyres and tubes) adapted for use as parts and accessories thereof provided	Do.	37½ per cent.	30 per cent.	..

No.	Names of articles.	Unit or method of assessment	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom.	A British Colony.
1	2	3	4	5	6
	III.—Articles wholly or mainly manfd.—Contd. that such articles as are ordinarily also used for other purposes than as parts and accessories of motor vehicles included in this item or in Nos. 42-A and 231 shall be dutiable at the rate of duty specified for such articles.				
230	MOTOR OMNIBUSES; CHASSIS OF MOTOR OMNIBUSES, MOTOR VANS and MOTOR LORRIES ; and parts of mechanically propelled vehicles and accessories not otherwise specified, excluding rubber tyres and tubes and such parts and accessories of motor vehicles included in this item as are also adapted for use as parts and accessories of motor cars.	*Ad valorem*	25 per cent.	17½ per cent.	..
	CUTLERY, HARDWARE, IMPLEMENTS AND INSTRUMENTS.				
231	CUTLERY PLATED with gold or silver.	Do.	50 per cent.	40 per cent.	..
232	ELECTRIC LIGHTING BULBS.	Do.	Do.	Do.	..
233	MUSICAL INSTRUMENTS and parts thereof, all sorts not otherwise specified.	Do.	Do.	Do.	..
234	WIRELESS RECEPTION INSTRUMENTS AND APPARATUS and component parts thereof, including all electric valves, amplifiers and loud speakers which are not specially designed for purposes other than wireless reception or are not original parts of and imported along with instruments or apparatus so designed.	Do	Do.	Do.	..

No.	Names of articles.	Unit or method of assessment	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom.	A British Colony.
1	2	3	4	5	6
	III.—Articles wholly or mainly manufactured.—Contd.				
	METALS—IRON AND STEEL.				
235	IRON ALLOYS. ,, angle, channel and tee not otherwise specified ,, bar and rod not otherwise specified. ,, pig. ,, rice bowls.	*Ad valorem*	20 per cent.	10 per cent.	..
236	Iron or steel ANCHORS AND CABLES. Iron or steel hoops and strips. Iron or steel nails and washers, all sorts not otherwise specified. Iron or steel pipes, and tubes; also fittings therefor, that is to say, bends, boots, elbows, tees, sockets, flanges, plugs, valves, cocks and the like, excluding pipes, tubes and fittings therefor otherwise specified. Iron or steel RAILWAY TRACK MATERIALS not otherwise specified, including bearing plates, cast iron sleepers and lever boxes. Iron or steel TRAMWAY TRACK MATERIALS not otherwise specified, including rails, fishplates, tie-bars, switches, crossings and the like materials of shapes and sizes specially adapted for tramway tracks Iron or steel SHEETS (including cuttings, discs and circles) under 1/8 inch,	*Ad valorem*	20 per cent.	10 per cent.	..

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Pereferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
	III. Articles wholly or mainly manfd.—Contd.				
	thick whether fabricated or not, if coated with metals other than tin or zinc.				
	Iron or steel PLATES AND SHEETS (including cuttings, discs and circles) not under 1/8 inch thick not otherwise specified whether fabricated or not.				
	Iron or STEEL BARBED OR STRANDED FENCING-WIRE AND WIRE-ROPE.				
	Iron or steel (other than bar or rod) specially designed for the reinforcement of concrete.				
	Iron or steel EXPANDED METAL.				
237	STEEL angle and tee if galvanized, tinned or lead-coated.	*Ad valorem*	20 per cent.	10 per cent.	..
	STEEL, (other than bars), alloys, crucibles, shear, blister and tub.				
	STEEL (other than bars) made for springs and cutting tools by any process.				
	STEEL ingots, blooms and billets, and slabs of a thickness of 1¾ inches or more.				
	STEEL, bar and rod, the following kinds— (*a*) shapes specially designed for the reinforcement of concrete, if the smallest dimension is under ½ inch ; (*b*) all shapes and sizes if— (*i*) of alloy, crucible, shear, blister or tub steel, or (*ii*) galvanized or coated with other metals, or				

No.	Names of articles.	Unit or method of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of— The United Kingdom.	A British Colony.
1	2	3	4	5	6
	III.—Articles wholly or mainly manufactured—Contd.				
	(iii) planished or polished, including bright steel shafting;				
	(c) other qualities if of any of the following shapes and sizes—				
	(i) rounds not over 7/16 in. diameter,				
	(ii) squares not over 7/16 inch side.				
	(iii) flats, if under 1 inch wide and not over 1/8 inch thick,				
	(iv) flats not under 8 inches wide and not over ½ inch thick,				
	(v) ovals, if the dimension of the major axis is not less than twice that of the minor axis,				
	(vi) all other shapes, any size.				
	TEXTILE FABRICS.				
238	WOOLLEN carpets, floor rugs, hosiery, piece-goods, shawls and other manufactures of WOOL not otherwise specified, including felt.	*Ad valorem*	35 per cent.	25 per cent.	..
	MISCELLANEOUS.				
239	ASPHALT ..	Do.	25 per cent.	..	15 per cent.
240	CINEMATOGRAPH FILMS not exposed.	Do.	Do.	15 per cent.	..
241	PORTLAND CEMENT excluding white Portland cement.	Ton.	Rs. 18-4-0	Rs. 13-12-0	..
242	SOAP, toilet ..	*Ad valorem*	35 per cent.	25 per cent.	..
243	SMOKERS' REQUISITES excluding tobacco and matches	Do.	50 per cent.	40 per cent.	..

No.	Names of articles.	Unit or method of of assessment.	Standard rate of duty.	Preferential rate of duty if the article is the produce or manufacture of—	
				The United Kingdom.	A British Colony.
1	2	3	4	5	6
	III. Articles wholly or mainly manfd.—Contd.				
244	TOYS, games, playing cards and requisites for games and sports, bird shot, toy cannons, air guns and air pistols for the time being excluded in any part of British India from the operation of all the prohibitions and directions contained in the Indian Arms Act, 1878, and bows and arrows.	*Ad valorem*	50 per cent.	40 per cent.	..
	MISCELLANEOUS AND UNCLASSIFIED.				
245	BETELNUTS ..	Do.	45 per cent.	..	37½ per cent."

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MADRAS ACTS. 1932.

THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) ACT, 1931.

ACT No. I OF 1932.

[*25th December*, 1931.

An Act to amend the Madras Suppression of Immoral Traffic Act, 1930, for certain purposes.

WHEREAS it is expedient to amend the Madras Suppression of Immoral Traffic Act, 1930, for the purposes hereinafter appearing; Preamble.

And whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; it is hereby enacted as follows:—

1. This Act may be called THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) ACT, 1931. Short Title.

2. For sections 1 and 2 of the Madras Suppression of Immoral Traffic Act, 1930 (hereinafter referred to as the said Act), the following sections shall be substituted, namely:— Substitution of new sections for sections 1 and 2 of Madras Act V of 1930.

"1. This Act may be called THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC ACT, 1930. Short Title.

"2. The Local Government may, from time to time by notification in the *Fort St. George Gazette*, apply all or any of the provisions of this Act to the whole or any portion of the Presidency of Madras from such date as may be specified in the notification and may cancel or modify any such notification." Extent and Commencement.

3. In sub-section (ii) of section 6 of the said Act, for the words and figures "before a Juvenile Court constituted under section 36 of the Madras Children Act, 1920," the words and figures "before a court established under sub-section (i) of section 36 of the Madras Children Act, 1920, or where no such court has been established, before a court sitting in the manner specified in sub-section (2) of that section" shall be substituted. Amendment of Section 6, Madras Act V of 1930.

THE MADRAS ELEMENTARY EDUCATION (AMENDMENT) ACT, 1931.

ACT No. II OF 1932.

[2nd January, 1932.

An Act to amend the Madras Elementary Education Act, 1920, for certain purposes.

WHEREAS it is expedient to amend the Madras Elementary Education Act, 1920, for the purposes hereinafter appearing; it is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called THE MADRAS ELEMENTARY EDUCATION (AMENDMENT) ACT, 1931.

(2) It shall come into force on such day as the Local Government may, by notification in the *Fort St. George Gazette*, appoint.

Amendment of certain provisions of Madras Act VIII of 1920.

2. (1) In the Madras Elementary Education Act, 1920 (hereinafter referred to as the said Act), for the words "Governor in Council" wherever they occur, the words "Local Government" shall be substituted.

(2) The provisions of the said Act specified in the first two columns of the annexed Schedule are hereby amended to the extent and in the manner specified in the third and fourth columns thereof.

Amendment of section 3, Madras Act VIII of 1920.

3. In section 3 of the said Act—

(i) for clause (ii) the following clause shall be substituted, namely:—

'Director of Public Instruction', 'District Educational Officer' and 'Inspectress of Girls' Schools.'

"(ii) 'Director of Public Instruction', 'District Educational Officer', and 'Inspectress of Girls' Schools' mean such officer or officers as may be appointed by the Local Government to perform the duties of Director of Public Instruction, District Educational Officer or Inspectress of Girls' Schools, as the case may be."

(ii) in clause (iv), for the figures "1884", the figures "1920" shall be substituted;

(iii) after clause (x), the following clauses shall be inserted, namely:—

'Notification.'

"(x-a) 'notification' means notification in the *Fort St. George Gazette;*

'Panchayat.'

(x-b) 'panchayat' means a panchayat constituted under the Madras Local Boards Act, 1920;"

(iv) in clause (xi), after the words "prescribed by" the words "this Act or by" shall be inserted;

(v) in clause (xii), the words "in relation to an elementary school" shall be omitted, and for the word "Government" the words "Local Government" shall be substituted; and

(vi) in clause (xiv), for the figures "1884" the figures "1920" shall be substituted.

4. In sub-section (3) of section 5 of the said Act, for the words "inspector and assistant inspector of schools" the words "District Educational Officer" shall be substituted, and for the word "members" the words "a member" shall be substituted.

Amendment of section 5, Madras Act VIII of 1920.

5. After section 27 of the said Act, the following section shall be inserted, namely:—

Insertion of new section 27-A in Madras Act VIII of 1920.

"27-A. No act or proceeding of a district educational council or of a committee thereof or of any person acting as president, vice-president, chairman or member of such council or committee shall be deemed to be invalid by reason only of some defect in the establishment of such council or committee or on the ground that the president, vice-president, chairman or any member of such council or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or appointment or by reason of such act having been done during the period of any vacancy in the office of the president, vice-president, chairman or member of such council or committee."

Acts of District Educational Councils, etc., not to be invalidated by informality, etc.

6. For section 36 of the said Act, the following section shall be substituted, namely:—

Substitution of new section for section 36 of Madras Act VIII of 1920.

"36. (1) Every tax levied in any area under any head of taxation mentioned in section 34 shall be deemed to be an addition to a tax levied under the same head in such area under the law for the time being in force governing municipalities or local boards, as the case may be, and all the provisions of such law relating to the incidence, assessment or realization of such tax or in any manner connected therewith shall be applicable accordingly:

Assessment and realization of taxes.

Provided that the Local Government may direct that the said provisions shall apply subject to such modifications and restrictions as may be prescribed.

(2) In particular, any such tax levied in a panchayat area under any head of taxation other than land-cess, shall be realised by the president of the panchayat as an addition to a tax

levied under the same head under the Madras Local Boards Act, 1920. Out of the proceeds of the tax so realised such percentage as may be prescribed shall be credited to the village fund of the panchayat on account of the cost of collection and the balance shall be paid to the credit of the elementary education fund under the control of the taluk board concerned."

Amendment of section 40, Madras Act VIII of 1920.

7. In section 40 of the said Act, for the figures "1884" the figures "1920" and for the word "chapter" at the end, the word "Act" shall be substituted.

Amendment of section 41, Madras Act VIII of 1920.

8. In sub-section (1) of section 41 of the said Act, after the words "such school" the words "or a department of such school" shall be inserted, and for the words "through the inspector of schools" the words "through the District Educational Officer or the Inspectress of Girls' Schools, as the case may be" shall be substituted.

Amendment of section 42, Madras Act VIII of 1920.

9. In sub-section (1) of section 42 of the said Act, for the words "through the Inspector of Schools" the words "through the District Educational Officer or the Inspectress of Girls' Schools as the case may be" shall be substituted.

Substitution of new section 47, Madras Act VIII of 1920.

10. For section 47 of the said Act, the following sections shall be substituted, namely:—

No fee to be levied at elementary schools under public or Panchayat management in areas notified under section 46.

"47. (1) No fees shall be levied at any elementary school under public or panchayat management situated in any area affected by a notification under section 46, from any child to whom such notification applies

(2) Fees may be levied from any such child at any other elementary school situated in the said area:

Provided that where within one mile of such school or such other distance therefrom as may be notified under the Explanation to sub-section (2) of section 45, there is no other elementary school at which fees are not levied, such number of free places as may be fixed by the District Educational Council in consultation with the local authority concerned shall be reserved in such school."

Amendment of section 49, Madras Act VIII of 1920.

11. In section 49 of the said Act, after the words "every child of school-age resident in such area" the words "and affected by such notification" shall be inserted.

Amendment of section 51, Madras

12. In section 51 of the said Act, after the words "local authority concerned", the words and figures "or where under the Madras Local Boards Act, 1920, the taluk board has ceased to be

responsible for elementary education in any area, the panchayat concerned" shall be inserted. Act VIII of 1920.

13. In sub-section (2) of section 56 of the said Act— Amendment of section 56, Madras Act VIII of 1920.

(i) clause (*a*) shall be re-lettered as clause (*aa*) and the following shall be inserted as clause (*a*), namely:—

"(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed";

(ii) in clause (*b*), after the word "schools" the words "or departments of schools" shall be inserted, and after the word "elementary" at the end the word "schools" shall be added.

(iii) for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) with reference to all matters not expressly provided for in this Act relating to the election of presidents, vice-presidents or members of district educational councils";

(iv) in clause (*f*), after the words "by local authorities" the words "by panchayats" shall be inserted, and after the words "attendance committees" at the end, the words "and the time within which any statement, report, return, budget or other information shall be furnished" shall be added;

(v) clause (i) shall be omitted; and

(vi) in clause (*j*), the word "school" shall be omitted.

THE SCHEDULE.

Section (1)	Sub section (2)	For the words (3)	Substitute the words. (4)
21		his opinion	their opinion.
22	(2)	he may fix	they may fix
23	..	he may direct	they may direct.
30	(2)	he thinks fit	they think fit.
38	(2)	he thinks fit	they think fit.
45	(2) proviso (*b*).	is satisfied	are satisfied.
56	(2)	he may make	they may make.

THE MADRAS PREVENTION OF ADULTERATION (AMENDMENT) ACT.

ACT No. III OF 1932.

[*7th January*, 1932.

An Act to amend the Madras Prevention of Adulteration Act, 1918 *for a certain purpose.*

WHEREAS it is expedient to amend the Madras Prevention of Adulteration Act, 1918, for the purpose hereinafter appearing; it is hereby enacted as follows:—

Short title.

1. This Act may be called THE MADRAS PREVENTION OF ADULTERATION (AMENDMENT) ACT.

Amendment of S. 20, Madras Act III of 1918.

2. For S. 20 of the Madras Prevention of Adulteration Act, 1918, the following section shall be substituted, namely:—

Power of Local Government to make rules.

"20 (1) The Local Government may make rules to carry out all or any of the purposes of this Act and not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules—

(*a*) prescribing the classes or qualifications of persons to whom and the conditions on which the local executive officer may, under S. 3, delegate his powers;

(*b*) determining the limits within which the local executive officer may exercise his powers, whether such limits are within or without the local area in respect of which he holds any public office;

(*c*) prescribing in the interests of the public health the rate in which utensils and vessels used for manufacturing, preparing or containing any food intended for sale shall be kept, and prohibiting the use of utensils and vessels made, in whole or in part, of materials likely to injure such food;

(*d*) prescribing the manner in which notice of any addition, admixture or deficiency shall be given to the purchaser of any article of food;

(*e*) prescribing standards of purity for milk, cream, butter, ghee, cheese or any food and determining what deficiency in any normal constituent of any of these articles or what addition of any extraneous matter or proportion of water in any such article or any preparation of the same shall for the purposes of this Act raises a presumption until the contrary is proved, that the milk, cream, butter, ghee, cheese, or food is not genuine or is injurious to health;

(*f*) prohibiting or regulating in the interests of public health:

(*i*) the addition of water or other diluent or adulterant to any food;

(*ii*) the abstraction of any ingredient from any food; and

(*iii*) the sale of any food to which such addition or from which such abstraction has been made or which has been otherwise artificially treated;

(*g*) providing for the manner in which any receptacle containing dried, condensed, skimmed or separated milk is to be labelled or marked; and

(*h*) authorising the persons taking samples of any food for the purpose of any analysis under this Act to add preservatives to such sample for the purpose of maintaining it in a suitable condition for analysis and regulating the nature of such preservatives and the method of adding them.

3. In making any rule under clauses (*c*), (*d*), (*f*) or (*g*) of sub-section (2), the Local Government may provide that a breach thereof shall be punishable

(*a*) in the case of a first conviction with fine which may extend to one hundred rupees; and

(*b*) in the case of a subsequent conviction, with fine which may extend to five hundred rupees.

4. All rules made under this section shall be published in the *Fort St. George Gazette* and upon such publication shall have effect as if enacted in this Act.

THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1932.

ACT No. IV OF 1932.

[*5th April*, 1932.

An Act to amend the Madras Local Boards Act, 1920, for certain purposes.

WHEREAS it is expedient to amend the Madras Local Boards Act, 1920, for the purposes hereinafter appearing; it is hereby enacted as follows:—

1. This Act may be called THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1932. Short title.

2. In section 3 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act)— **Amendment of section 3, Madras Act XIV of 1920.**

(i) for clause (7), the following clause shall be substituted, namely:—

"(7) 'district' means the revenue district referred to in sub-section (1) of section 3-A or the local area constituted into a district under sub-section (2) of that section, as altered by the notifications, if any, issued under sub-section (3) of the same section";

(ii) clause (19-A) and (19-B) shall be re-lettered (19-B) and (19-C) respectively and the following shall be inserted as clause (19-A), namely:—

"(19-A) 'revenue district' means any local area which for the purposes of revenue administration, is under the charge of a district collector, after excluding therefrom all areas included in—

(*a*) the City of Madras including Fort St. George with the glacis;

(*b*) municipalities constituted under the Madras District Municipalities Act, 1920;

(*c*) cantonments constituted under the Cantonments Act, 1924; and

(*d*) scheduled districts as defined in the Scheduled District Act, 1874"; and

(iii) in clauses (19-B) and (19-C) as so re-lettered, for the words, letters and figures 'referred to in sub-clauses (*a*) to (*c*) of clause (7)', the words and figure 'which are not included in any district as defined in clause (7)' shall be substituted.

Amendment of the heading of Chapter II and insertion of new section 3A in Madras Act XIV of 1920.

3. In Chapter II of the said Act—

(i) for the heading "Taluks and Villages", the heading "Districts, Taluks and Villages" shall be substituted; and

(ii) before section 4, the following section shall be inserted, namely:—

Districts.

"3-A. (1) Save as otherwise provided in this section, every local area which on the first day of February, 1932, was a revenue district shall be deemed to be a district for the purposes of this Act.

(2) The Local Government may, in special circumstances, by notification, declare any local area whether in the same revenue district or not, to be a district for the purposes of this Act and specify the name of the district.

(3) The Local Government may, by notification,—

(*i*) exclude from any district any local area comprised therein; or

(*ii*) include in any district any local area in the vicinity thereof; or

(*iii*) cancel a notification issued under sub-section (2); or

(*iv*) alter the name of any district.

(4) Before issuing a notification under sub-section (2) or sub-section (3), the Local Government shall give the district board or boards which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objections, if any, of such district board or boards.

(5) Every notification issued under sub-section (2) or clause (*i*) or clause (*ii*) of sub-section (3) shall contain a statement of the reasons therefor and shall be laid on the table of the Legislative Council.

(6) If any district comprises only part of a revenue district or two or more revenue districts or parts of two or more revenue districts, the Local Government may, by notification, declare which officer shall be considered to be the district collector in respect of that district for the purposes of this Act."

Amendment of section 6, Madras Act, XIV of 1920.

4. In sub-section (3) of section 6 of the said Act, for the words and figures 'by the name of the district or revenue taluk or the name of the taluk or village which is specified in the notification under section 4 or 5', the words, figures and letter 'by the name of the revenue district, or revenue taluk, or the name of the district, taluk or village, specified in the notification under section 3-A, 4 or 5' shall be substituted.

Amendment of section 240, Madras Act, XIV of 1920.

5. In section 240 of the said Act—

(i) in sub-section (2), the words 'revenue district or' shall be omitted and for the words and figures 'section 4 or 5' the words, figures and letter 'section 3-A, 4 or 5' shall be substituted; and

(ii) in clause (*b*) of sub-section (8) for the words and figures 'declaring any local area to be a taluk or village under section 4 or 5', the words, figures and letter 'declaring any local area to be a district, taluk or village, under section 3-A, 4 or 5' and for the words 'taluk board or panchayat', the words 'district board, taluk board or panchayat' shall be substituted.

THE MADRAS MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1932.

ACT No. V OF 1932.

[25*th April*, 1932.

An Act further to amend the Madras Motor Vehicles Taxation Act, 1931, for certain purposes.

WHEREAS it is expedient further to amend the Madras Motor Vehicles Taxation Act, 1931, for the purposes hereinafter appearing; it is hereby enacted as follows:—

Short title.

1. This Act may be called THE MADRAS MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1932.

Amendment of section 2, Madras Act, III of 1931.

2. In section 2 of the Madras Motor Vehicles Taxation Act, 1931 (hereinafter referred to as the said Act)—

(i) after clause (*iv*), the following clause shall be inserted, namely:—

"(iv-a) 'public road' means any street, road, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not, and includes the roadway over any public bridge or causeway," and

(ii) in clause (*viii*), for the words "parts, equipment, stores, fuel, oil and water" the words "parts and equipment" shall be substituted.

THE MADRAS CO-OPERATIVE SOCIETIES ACT, 1932.

ACT No. VI OF 1932.

[16*th June*, 1932.

An Act to consolidate and amend the law relating to co-operative societies in the Presidency of Madras.

WHEREAS it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to co-operative societies in the Presidency of Madras.

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act; it is hereby enacted as follows:—

PRELIMINARY.

Short title and extent.

1. (1) This Act may be called THE MADRAS CO-OPERATIVE SOCIETIES ACT, 1932.

(2) It extends to the whole of the Presidency of Madras.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

"By-laws."

(*a*) "by-laws" means the registered by-laws for the time being in force and includes a registered amendmet of the by-laws;

"Committee."

(*b*) "committee" means the governing body of a registered society to whom the management of its affairs is entrusted;

"Financing bank."

(*c*) "financing bank" means a registered society the main object of which is to lend money to other registered societies;

(*d*) "member" includes a person joining in the application for the registration of a society and a person admitted to membership after registration in accordance with the by-laws and any rules; "Member."

(*e*) "officer" includes a president, vice-president, chairman, vice-chairman, secretary, assistant secretary, treasurer, member of committee, and any other person empowered under the rules or the by-laws to give directions in regard to the business of the society; "Officer."

(*f*) "registered society" means a society registered or deemed to be registered under this Act; "Registered society."

(*g*) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act; and "Registrar."

(*h*) "rules" means rules made under this Act. "Rules."

REGISTRATION.

3. The Local Government may appoint a person to be Registrar of Co-operative Societies for the Presidency of Madras or any portion of it and may appoint persons to assist such Registrar, and may, by general or special order, confer on any such persons all or any of the powers of a Registrar under this Act. The Registrar.

4. Subject to the provisions of this Act a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Act with or without limited liability: Societies which may be registered.

Provided that unless the Local Government by general or special order otherwise directs—

(*i*) the liability of a society of which a member is a registered society shall be limited; and

(*ii*) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists, and of which no member is a registered society, shall be unlimited and the members of such society shall, on its liquidation, be jointly and severally liable for and in respect of all its obligations.

5. (1) Subject to the proviso to section 4 and to any rules made in this behalf, a registered society may, with the previous sanction of the Registrar, change its liability from limited to unlimited or from unlimited to limited: Change of liability.

Provided that—

(*i*) the society shall give notice in writing of its intention to change its liability to all its members and creditors;

(*ii*) any member or creditor shall, notwithstanding any by-law or contract to the contrary, have the option of withdrawing

his shares, deposits or loans, as the case may be, within three months of the service of such notice on him and the change shall not take effect until all such claims have been satisfied; and

(*iii*) any member or creditor, who does not exercise his option within the period aforesaid, shall be deemed to have assented to the change.

(2) Notwithstanding anything contained in the proviso to sub-section (1) the change shall take effect at once if all the members and creditors assent thereto.

Restrictions on interest of member of society with limited liability and a share capital.

6. Where the liability of the members of a society is limited by shares, no member other than a registered society shall—

(*a*) hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules; or

(*b*) have or claim any interest in the shares of the society, exceeding one thousand rupees.

Conditions of registration.

7. (1) No society, other than a society of which a member is a registered society, shall be registered under this Act which does not consist of at least ten persons who have attained the age of majority and, where the object of the society is the creation of funds to be lent to its members, unless such persons—

(*a*) reside in the same town or village or in the same group of villages; or

(*b*) save where the Registrar otherwise directs, are members of the same tribe, class, caste or occupation.

(2) The word 'limited' shall be the last word in the name of every society with limited liability registered under this Act.

Power of Registrar to decide certain questions.

8. When any question arises whether for the purposes of this Act a person is an agriculturist or a non-agriculturist, or whether any person is a resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular tribe, class, caste or occupation, the question shall be decided by the Registrar, whose decision shall be final.

Application for registration.

9. (1) For purposes of registration an application to register shall be made to the Registrar.

(2) The application shall be signed—

(*a*) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of sub-section (1) of section 7; and

(*b*) in the case of a society of which a member is a registered society, by a duly authorized person on behalf of every such registered society, and, where all the members of the society are not registered societies, by ten other members or, when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

•10. If the Registrar is satisfied that a society has complied with the provisions of this Act and the rules and that its proposed by-laws are not contrary to this Act or to the rules, he may register the society and its by-laws. In case of refusal, an appeal shall lie to the Local Government within two months from the date of the issue of the order of refusal by registered post. Registration.

11. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled. Evidence of registration.

12. (1) No amendment of the by-laws of a registerel society shall be valid until the same has been registered under this Act, for which purpose a copy of the amendment shall be forwarded to the Registrar. Amendment of the by-laws of registered society.

(2) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Act or to the rules, he may register the amendment. In case of a refusal, an appeal shall lie to the Local Government within two months from the date of the issue of the order of refusal by registered post.

(3) When the Registrar registers an amendment of the by-laws of a registered society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

13. (a) (1) Any registered society may, at a meeting of its general body specially called for the purpose of which at least seven clear days' notice shall be given to its members, resolve to divide itself into two or more societies. The resolution (hereinafter in this sub-section referred to as the preliminary resolution) shall contain proposals for the division of the assets and liabilities of the society among the new societies into which it is proposed to divide it and may prescribe the area of operations of, and specify the members who will constitute, each of the new societies. Division and amalgamation of societies.

(2) (i) A copy of the preliminary resolution shall be sent to all the members and creditors of the society.

(ii) Any member of the society may, notwithstanding any by-law to the contrary, by notice given to the society within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of any of the new societies.

(iii) Any creditor of the society may, notwithstanding any agreement to the contrary, by notice given to the society

within the said period, intimate his intention to demand a return of the amount due to him.

(3) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of the society, a meeting of the general body of the society, of which at least fifteen clear days' notice shall be given to its members, shall be convened for considering the preliminary resolution. If, at such meeting, the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either without changes or with such changes as, in the opinion of the Registrar, are not material, he may, subject to the provisions of clause (5) and section 10, register the new societies and the by-laws thereof. On such registration the registration of the old society shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(4) At the meeting referred to in clause (3) provision shall be made by another resolution for

(*i*) the repayment of the share capital of all the members who have given notice under sub-clause (*ii*) of clause (2); and

(*ii*) the satisfaction of the claims of all the creditors who have given notice under sub-clause (*iii*) of clause (2):

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (3).

(5) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in clause (4) is not repaid or the claims of the creditors referred to in that clause are not satisfied, the Registrar may refuse to register the new societies.

(6) The registration of the new societies shall be a sufficient conveyance to vest the assets and liabilities of the original society in the new societies in the manner specified in the preliminary resolution as confirmed under clause (3).

(*b*) (1) Two or more registered societies may, at meetings of their respective general bodies specially called for the purpose of which at least seven clear days' notice shall be given to their respective members, resolve to amalgamate into one society. This resolution is hereinafter in this sub-section referred to as the preliminary resolution.

(2) (*i*) A copy of the preliminary resolution of each society shall be sent to all the members and creditors thereof.

(*ii*) Any member of any such society may, notwithstanding any by-law to the contrary, by notice given to the society

of which he is a member within a period of three months from his receipt of the preliminary resolution, intimate his intention not to become a member of the new society.

(*iii*) Any creditor of any such society may, notwithstanding any agreement to the contrary, by notice given to the society of which he is a creditor within the said period, intimate his intention to demand a return of the amount due to him.

(3) After the expiry of three months from the receipt of the preliminary resolution by all the members and creditors of all the societies, a joint meeting of the members of such societies of which at least fifteen clear days' notice shall be given to them, shall be convened for considering the preliminary resolution. If, at such meeting, the preliminary resolution is confirmed by a resolution passed by a majority of not less than two-thirds of the members present, either without changes or with such changes as, in the opinion of the Registrar are not material, he may, subject to the provisions of clause (5) and section 10, register the new society and the by-laws thereof. On such registration, the registration of the old societies shall be deemed to have been cancelled.

The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material shall be final and no appeal shall lie therefrom.

(4) At the joint meeting referred to in clause (3), provision shall be made by another resolution for—

(*i*) the repayment of the share capital of all the members who have given notice under sub-clause (*ii*) of clause (2); and

(*ii*) the satisfaction of the claims of all the creditors who have given notice under sub-clause (*iii*) of clause (2):

Provided that no member or creditor shall be entitled to such repayment or satisfaction until the preliminary resolution is confirmed as provided in clause (3).

(5) If, within such time as the Registrar considers reasonable, the share capital of the members referred to in clause (4) is not repaid or the claims of the creditors referred to in that clause are not satisfied, the Registrar may refuse to register the new society.

(6) The registration of the new society shall be a sufficient conveyance to vest in it all the assets and liabilities of the original societies.

RIGHTS AND LIABILITIES OF MEMBERS.

Member not to exercise rights till due payment made.

14. (1) No member of a registered society shall, save as otherwise provided in sub-section (2), exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society as may be prescribed by the rules and by-laws.

(2) In the case of a society registered after the commencement of this Act, the persons who have signed the application to register the society may elect a committee to conduct the affairs of the society for a period of three months from the date of registration or for such further period as the Registrar may consider desirable:

Provided that the committee shall cease to function as soon as the members of the society have elected a committee in accordance with its by-laws.

General meetings.

15. (1) The committee may at any time call a general meeting of the society and shall call such a meeting within one month after receipt of a requisition in writing from the Registrar or from a financing bank to which the society is indebted or from such number of members or proportion of the total number of members as may be specified in the by-laws of the society.

(2) If a general meeting is not called in accordance with such requisition, the Registrar shall have power to call a general meeting of the society himself.

Votes of members.

16. (1) No member of any registered society shall have more than one vote in the affairs of the society provided that in the case of an equality of votes the Chairman shall have a casting vote.

(2) A registered society which has invested any part of its funds in the shares of another registered society may appoint any of its members not disqualified for such appointment under any rules prescribed in that behalf to vote in the affairs of such other registered society.

Restrictions on transfer of share or interest.

17. (1) The transfer of the share or interest of a member in the capital of a registered society shall be subject to such conditions as to maximum holding as may be prescribed by this Act or by the rules.

(2) In the case of a society registered with unlimited liability a member shall not transfer any share held by him or his interest in the capital of the society or any part thereof unless—

(*a*) he has held such share or interest for not less than one year; and

(*b*) the transfer is made to the society or to a member of the society.

DUTIES OF REGISTERED SOCIETIES.

Address of societies.

18. Every registered society shall have an address, registered in accordance with the rules, to which all notices and communications may be sent, and shall send to the Registrar notice of every change thereof.

Copy of Act, rules and by-laws to be

19. Every registered society shall keep a copy of this Act and of the rules governing such society and of its by-laws open

to inspection free of charge at all reasonable times at the registered address of the society. open to inspection.

PRIVILEGES OF REGISTERED SOCIETIES.

Societies to be bodies corporate.

20. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes for which it was constituted.

Prior claim of society.

21. (1) Subject to the prior claim, if any, of the Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent, a registered society shall be entitled in priority to other creditors to enforce any outstanding demand due to the society from a member or past or deceased member—

(*a*) in respect of the supply of seed or manure or of the loan of money for the purchase of seed or manure upon the crops or other agricultural produce of such member or person at any time within eighteen months from the date of such supply or loan;

(*b*) in respect of the supply of cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture, or of the loan of money for the purchase of any of the foregoing things—upon any such things so supplied, or purchased in whole or in part from any such loan, or on any articles manufactured from raw materials so supplied or purchased.

(2) The priority created by sub-section (1) in favour of a registered society shall be available against any claim of the Government arising from a loan granted under the Land Improvements Loans Act, 1883, after the grant of the loan by the society.

Charge and set-off in respect of shares or interest of member.

22. A registered society shall have a charge upon the share or interest in the capital and on the deposits of a member or past or deceased member and upon any dividend, bonus or profits payable to a member or past member or the estate of a deceased member in respect of any debt due from such member or past member or the estate of such deceased member to the society, and may set-off any sum credited or payable to a member or past or deceased member or the estate of a deceased member in or towards payment of any such debt.

Shares or interest not liable to attachment.

23. Subject to the provisions of section 22, the share or interest of a member in the capital of a registered society shall not be liable to attachment or sale under any decree or order of a Court of Justice in respect of any debt or liability incurred by such member, and neither the Official Assignee under the Presidency Towns Insolvency Act, 1909, nor a Receiver under the Provincial Insolvency Act, 1920, shall be entitled to or have any claim on such share or interest.

Transfer of interest on death of member.

24. (1) Subject to the provisions of section 22, a registered society may on the death of a member transfer his share or interest in the capital to the person nominated in accordance with the rules made in this behalf, or, if there is no person so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member, or pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest, as ascertained in accordance with the rules or by-laws:

Provided that—

(*i*) in the case of a society with unlimited liability, such nominee, heir or legal representative, as the case may be, may require payment by the society of the value of the share or interest of the deceased member ascertained as aforesaid; and

(*ii*) in the case of a society with limited liability, the society shall transfer the share or interest of the deceased member to such nominee, heir, legal representative, as the case may be, being qualified in accordance with the rules and by-laws for membership of the society, or on his application within one month of the death of the deceased member to any person specified in the application who is so qualified.

(2) Subject as aforesaid, a registered society may pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.

(3) All transfers and payments made by a registered society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

Liability of past member or of the estate of a deceased member.

25. The liability of a past member or of the estate of a deceased member for the debts of a registered society as they existed on the date of his ceasing to be a member or of his decease, as the case may be, shall continue for a period of two years from such date.

Register of members.

26. Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein:—

(*a*) the date on which the name of any person was entered in such register or list as a member; and

(*b*) the date on which any such person ceased to be a member.

Proof of entries in societies' books.

27. (1) A copy of any entry in a book of a registered society regularly kept in the course of business shall, if certified in such manner as may be prescribed by the rules, be received in any suit or legal proceedings as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters,

transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is admissible.

(2) No officer or liquidator of a registered society and no officer in whose office the books of a registered society are deposited after liquidation shall, in any legal proceedings to which the society or the liquidator is not a party, be compelled to produce any of the society's books the contents of which can be proved under sub-section (1), or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the court or the arbitrator made for special cause.

Power to attach and sell defaulter's property.

28. Whenever a decree or order of a civil court, a decision or an award of the Registrar or arbitrator or an order of the Registrar or liquidator is obtained by a registered society for the realization of money, the Registrar or any person subordinate to him empowered by the Registrar in this behalf may, subject to such rules as may be prescribed by the Local Government, recover the amount due under such decree, award or order together with the interest, if any, due thereon and the costs of process by the attachment and sale of the property of the person against whom such decree, decision, award or order is obtained.

Exemption from compulsory registration of instruments relating to shares and debentures of registered society.

29. Nothing in clauses (*b*) and (*c*) of sub-section (1) of section 17 of the Indian Registration Act, 1908, shall apply to—

(1) any instrument relating to shares in a registered society, notwithstanding that the assets of such society consist in whole or in part of immovable property; or

(2) any debenture issued by any such society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(3) any endorsement upon or transfer of any debenture issued by any such society.

Power to exempt from income-tax, stamp duty and registration fees.

30. (1) The Governor-General in Council by notification in the *Gazette of India* may, in the case of any registered society or class of registered societies, remit the income-tax payable in respect of the profits of the society, or of the dividends or other payments receeived by the members of the society on account of profits.

(2) The Local Government, by notification in the *Fort St. George Gazette*, may in the case of any registered society or class of registered societies remit—

(*a*) the stamp duty with which, under any law for the time being in force, instruments executed by or on behalf of a

registered society or by an officer or member and relating to the business of such society or any class of such instruments or decisions, awards or orders of the Registrar or arbitrators under this Act are respectively chargeable; and

(*b*) any fee payable under the law of registration for the time being in force.

Government aid to registered societies.

31. Notwithstanding anything contained in any other enactment, the Local Government may, subject to such rules as may be prescribed in this behalf, grant loans to, take shares in, or give financial assistance in any other form to any registered society.

PROPERTY AND FUNDS OF REGISTERED SOCIETIES.

Restrictions on loans.

32. (1) A registered society shall not make a loan to any person other than a member:

Provided that, with the general or special sanction of the Registrar, a registered society may make loans to another registered society.

(2) Save with the sanction of the Registrar, a registered society shall not lend money on the security of movable property other than agricultural produce.

(3) Notwithstanding anything contained in sub-sections (1) and (2), a registered society may make a loan to a depositor on the security of his deposit.

(4) The Local Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property by any registered society or class of registered societies.

Restrictions on borrowings.

33. A registered society shall receive deposits and loans only to such extent and under such conditions as may be prescribed by the rules or the by-laws of the society.

Investment of funds.

34. (1) Subject to the provisions of sub-section (4) of section 32, a registered society may invest or deposit its funds—

(*a*) in the Government Savings Bank, or

(*b*) in any of the securities specified in section 20 of the Indian Trusts Act, 1882, or

(*c*) in the shares or securities of any other registered society provided that no such investment shall be made in the shares of any society with unlimited liability, or

(*d*) with any bank or person carrying on the business of banking, approved for this purpose by the Registrar, or

(*e*) in any other mode permitted by the rules.

(2) Any investments or deposits made before the commencement of this Act which would have been valid if this Act had been in force are hereby ratified and confirmed.

liquidator under sub-section (1), vest in such liquidator and he shall have power to realize such assets by sale or otherwise.

(3) Such liquidator shall also have power, subject to the control of the Registrar—

(*a*) to institute and defend suits and other legal proceedings on behalf of the society by his name of office;

(*b*) to determine from time to time the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society, such contribution including debts due from such members or persons;

(*c*) to investigate all claims against the society and subject to the provisions of this Act to decide questions of priority arising between claimants;

(*d*) to pay claims against the society (including interest up to the date of cancellation of registration) according to their respective priorities, if any, in full or rateably, as the assets of the society permit; the surplus, if any, remaining after payment of the claims being applied in payment of interest from the date of such cancellation at a rate fixed by him but not exceeding the contract rate in any case;

(*e*) to determine by what persons and in what proportions the costs of the liquidation are to be borne;

(*f*) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society; and

(*g*) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same.

(4) Subject to any rules that may be made under this Act, a liquidator appointed under this section shall, in so far as such powers are necessary for carrying out the purposes of this section, have power to summon and enforce the attendance of witnesses and to compel the production of any books, accounts, documents, securities, cash or other properties belonging to or in the custody of the society by the same means and (so far as may be) in the same manner as is provided in the case of a civil court under the Code of Civil Procedure, 1908.

(5) Any sum ordered under this section to be recovered as a contribution to the assets of the society or as costs of liquidation may be recovered, on a requisition being made in this behalf to the Collector by the Registrar, in the same manner as arrears of land revenue.

(6) Save as provided in sub-section (5), orders made under this section shall, on application, be enforced by any civil court having local jurisdiction in the same manner as a decree of such court.

(7) When the affairs of the society have been wound up, the liquidator shall deposit the records of the society in such place as the Registrar may direct.

(8) Any person aggrieved by any order of the liquidator may appeal to the Registrar against such order within two months from the date of the issue of the order by registered post.

Bar of suit in certain cases.

48. Save in so far as is expressly provided in this Act, no civil court shall take cognizance of any matter connected with the winding up or dissolution of a society under this Act, and when a liquidator has been appointed no suit or other legal proceeding shall lie or be proceeded with against the society except by leave of the Registrar and subject to such terms as he may impose.

SURCHARGE AND ATTACHMENT.

Surcharge.

49. (1) Where in the course of an audit under section 37 or an inquiry under section 38 or an inspection under section 39 or the winding up of a society, it appears that any person who has taken part in the organization or management of the society or any past or present officer of the society has misappropriated or fraudulently retained any money or other property or been guilty of breach of trust in relation to the society, the Registrar may, of his own motion or on the application of the committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in respect of the misappropriation, fraudulent retainer or breach of trust as the Registrar thinks just.

(2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the District Court having jurisdiction over the area in which the headquarters of the society are situated or if the headquarters of the society are situated in the City of Madras, by the City Civil Court, on application made by the party aggrieved within three months of the date of receipt of the order by him.

(3) Any sum ordered under this section to be repaid to a society or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf to the Collector by the Registrar in the same manner as arrears of land revenue.

(4) This section shall apply notwithstanding that such person or officer may have incurred criminal liability by his act.

Attachment of property.

50. Where the Registrar is satisfied on the application of the liquidator or otherwise that any person with intent to defeat or delay the execution of any order that may be passed against him under clause (*b*) of sub-section (3) of section 47 or section 49—

(*a*) is about to dispose of the whole or any part of his property; or

(*b*) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Registrar,

the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary and such attachment shall have the same effect as if it had been made by a competent civil court.

ARBITRATION.

Disputes.

51. (1) If any dispute touching the business of a registered society (other than a dispute regarding disciplinary action taken by the society or its committee against a paid servant of the society) arises:—

(*a*) among members, past members and persons claiming through members, past members and deceased members, or

(*b*) between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or servant of the society, or

(*c*) between the society or its committee and any officer, agent or servant of the society, or

(*d*) between the society and any other registered society,

such dispute shall be referred to the Registrar for decision.

Explanation—A claim by a registered society for any debt or demand due to it from a member, past member or the nominee, heir or legal representative of a deceased member, whether such debt or demand be admitted or not, is a dispute touching the business of the society within the meaning of this sub-section.

(2) The Registrar may, on receipt of such reference,—

(*a*) decide the dispute himself, or

(*b*) transfer it for disposal to any person who has been invested by the Local Government with powers in that behalf, or

(*c*) subject to such rules as may be prescribed, refer it for disposal to an arbitrator or arbitrators.

(3) Subject to such rules as may be prescribed the Registrar may withdraw any reference transferred under clause (*b*) of sub-section (2) or referred under clause (*c*) of that sub-section and deal with it in the manner provided in the said sub-section.

(4) Where the Registrar is satisfied that a party to any reference made to him under sub-section (1), with intent to defeat or delay the execution of any decision that may be passed thereon—

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Registrar,

the Registrar may, unless adequate security is furnished, direct the conditional attachment of the said property or such part thereof as he thinks necessary; and such attachment shall have the same effect as if it had been made by a competent civil court.

(5) The Registrar may, of his own motion or on the application of a party to a reference, revise any decision thereon by the person to whom such reference was transferred or by the arbitrator or arbitrators to whom it was referred.

(6) (*a*) Any decision passed by the Registrar under clause (*a*) of sub-section (2) or under sub-section (5) shall be final and shall not be called in question in any civil or revenue court.

(*b*) Any decision that may be passed by the person to whom a reference is transferred or by the arbitrator or arbitrators to whom it is referred shall, save as otherwise provided in sub-section (5), be final and shall not be called in question in any civil or revenue court.

OFFENCES AND PENALTIES.

Offences.

52. It shall be an offence under this Act if—

(*a*) a registered society or an officer or member thereof, wilfully makes a false return or furnishes false information; or

(*b*) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorized in this behalf under the provisions of this Act.

Punishment for disposing of property in contravention of section 21.

53. Any member or past member or the nominee, heir or legal representative of a deceased member contravening the provisions of section 21 by fraudulently disposing of any property in respect of which the society is entitled to claim priority under that section or doing any other act to the prejudice of such claim, shall be punishable with fine not exceeding two hundred rupees.

Prohibition of the use of the word 'co-operative'.

54. (1) No person other than a registered society shall trade or carry on business under any name or title of which the word 'co-operative' is part without the sanction of the Local Government:

Provided that nothing in the section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which the Co-operative Societies Act, 1912, came into operation.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.

Punishment for offences not otherwise provided for.

55. Any registered society or any officer or member thereof or any other person guilty of an offence under this Act for which no punishment is expressly provided herein shall be punishable with fine not exceeding fifty rupees.

Cognizance of offences.

56. (1) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

(2) Every offence under this Act shall, for the purposes of the Code of Criminal Procedure, 1898, be deemed to be non-cognizable.

(3) No prosecution shall be instituted under this Act without the previous sanction of the Registrar. Such sanction shall not be given without giving the party concerned an opportunity to be heard.

MISCELLANEOUS.

Power of Government and Registrar to call for proceedings and to pass orders thereon.

57. The Local Government or the Registrar may call for and examine the record of any enquiry or the proceedings of any officer subordinate to them for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to the Local Government or the Registrar that any decision or order or proceedings so called for should be modified, annulled, or reversed, the Local Government or the Registrar, as the case may be, may pass such order thereon as to it or him may seem fit.

Recovery of sums due to Government.

58. (1) All sums due from a registered society or from an officer, former officer, member or past or deceased member of a registered society as such to the Government including any costs awarded to the Government in any proceeding under this Act may be recovered in the same manner as arrears of land revenue.

(2) Sums due from a registered society to the Government and recoverable under sub-section (1) may be recovered, firstly, from the property of the society; secondly, in the case of a society the liability of the members of which is limited, from the members, past members or the estates of deceased members, subject to the

limit of their liability; and, thirdly, in the case of other societies from the members, past members or the estates of deceased members:

Provided that the liability of past members and of the estates of deceased members shall in all cases be subject to the provisions of section 25.

Power to exempt societies from conditions as to registration

59. Notwithstanding anything contained in this Act, the Local Government may, by special order in each case and subject to such conditions, if any, as it may impose, exempt any society from any of the requirements of this Act as to registration.

Power to exempt registered societies from provisions of the Act.

60. The Local Government may, by general or special order, exempt any registered society from any of the provisions of this Act or may direct that such provisions shall apply to such society with such modifications as may be specified in the order.

Indian Companies Act, 1913, not to apply.

61. The provisions of the Indian Companies Act, 1913, shall not apply to registered societies.

Saving of existing societies.

62. (1) Every society now existing which has been registered under the Co-operative Credit Societies Act, 1904, or under the Co-operative Societies Act, 1912, shall be deemed to be registered under this Act, and its by-laws shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted under the said Acts shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Act.

Acts of societies, etc., not to be invalidated by certain defects.

63. No act of a registered society or any committee or of any officer of the society, shall be deemed to be invalid by reason only of some defect in the organization of the society or in the formation of the general body or in the appointment or election of the officer or on the ground that he was disqualified for his office.

Construction of references to Co-operative Societies Act, 1912, in enactments.

64. All references to the Co-operative Societies Act, 1912, occurring in any enactment made by any authority in British India and for the time being in force in the Presidency of Madras shall, in its application to the said Presidency, be construed as references to this Act.

Rules.

65. (1) The Local Government may, for the whole or any part of the Presidency of Madras, and for any registered society or class of such societies, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) subject to the provisions of section 6 prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;

(*b*) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;

(*c*) subject to the provisions of section 5 prescribe the procedure to be followed when societies change their form of liability;

(*d*) prescribe the matters in respect of which a society may or shall make by-laws and for the procedure to be followed in making, altering and abrogating by-laws, and the conditions to be satisfied prior to such making, alteration or abrogation;

(*e*) prescribe the conditions to be complied with by persons applying for admission or admitted as members, and provide for the election and admission of members, and the payment to be made and the interests to be acquired before the exercise of the right of membership;

(*f*) regulate the manner in which funds may be raised by means of shares or debentures or otherwise;

(*g*) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;

(*h*) prescribe in the case of a financing bank—

(i) the proportion of individual members to society members in the constitution of its general body or of its committee; and

(ii) the maximum number of members of its committee.

(*i*) provide for the appointment, suspension and removal of the members of the committee and other officers and for the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the committee and other officers;

(*j*) prohibit a society from appointing a defaulting member of any society to its committee or to the committee of any other society and allowing him to exercise his rights of membership in the society or to represent it in another society and vote;

(*k*) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society;

(*l*) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted and in case of failure to submit any such return for the levy of the expenses of preparing it;

(*m*) provide for the persons by whom and the form in which copies of entries in books of societies may be certified and for the charges to be levied for the supply of such copies;

(*n*) provide for the formation and maintenance of a register of members and, where the liability of the members is limited by shares, of a register of shares;

(*o*) provide for—

(i) the appointment of an arbitrator or arbitrators to decide disputes;

(ii) the procedure to be followed in proceedings before the Registrar, arbitrator or arbitrators or other person deciding disputes including the appointment of a guardian for a party to the dispute who is a minor or who, by reason of unsoundness of mind or mental infirmity, is incapable of protecting his interests;

(iii) the levy of the expenses incidental to such proceedings; and

(iv) the enforcement of the decisions or awards in such proceedings;

(*p*) provide for the withdrawal and expulsion of members and for the payments, if any, to be made to members who withdraw or are expelled and for the liabilities of past members or the estates of deceased members;

(*q*) prescribe the prohibitions and restrictions subject to which societies may trade with persons who are not members;

(*r*) provide for the mode in which the value of a deceased member's interest shall be ascertained, and for the nomination of a person to whom such interest may be paid or transferred;

(*s*) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be made and the amount which may be lent, to an individual member;

(*t*) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society;

(*u*) prescribe the extent to which a society may limit the number of its members;

(*v*) prescribe the conditions under which profits may be distributed to the members of a society with unlimited liability and the maximum rate of dividend which may be paid by societies;

(*w*) prescribe the procedure to be followed by a liquidator appointed under section 47, and provide for the disposal of the surplus assets, if any, of the society;

(*x*) subject to the provisions of this Act, determine the cases in which an appeal shall lie from the orders of the Registrar, and prescribe the procedure to be followed in presenting and disposing of all appeals under this Act;

(*y*) prescribe the period for which and the terms under which aid may be given by the Local Government to societies and the terms under which the Local Government may guarantee the payment of interest on debentures issued by societies;

(*z*) provide for the custody of property attached under this Act;

(*aa*) provide for the issue and service of processes and for proof of service thereof;

(*bb*) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same;

(*cc*) provide for the investigation of claims and objections that may be preferred against any attachment effected by the Registrar or an officer empowered by him;

(*dd*) provide for the recovery of costs awarded against the Government in cases under section 49;

(*ee*) prescribe the procedure for the attachment and sale of property under section 28; and

(*ff*) provide for all matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the *Fort St. George Gazette* and on such publication shall have effect as if enacted in this Act.

(5) All such rules shall be laid on the table of the Legislative Council.

REPEALS.

66. The enactments specified in the schedule are hereby repealed in so far as they apply to the Presidency of Madras to the extent specified in the fourth column of the said schedule. Repeals.

SCHEDULE.

Enactments repealed.

Year. (1)	No. (2)	Short title. (3)	Extent of repeal. (4)
		Acts of the Governor-General in Council.	
1912 ..	II	The Co-operative Societies Act, 1912.	The whole.
1920 ..	XXXVIII	The Devolution Act, 1920.	So much as relates to Act II of 1912.
		Act of the Governor of Madras in Council.	
1920 ..	X	The Co-operative Societies (Amendment) Act, 1920	The whole.

THE MADRAS COTTON CONTROL ACT, 1932.

ACT No. VII OF 1932.

[17*th June*, 1932.

An Act to provide for the prohibition of the cultivation of pulichai cotton and the mixing of such cotton with other cotton and for the prohibition or restriction of the possession or use of, or the trade in, pulichai cotton or cotton mixed with pulichai cotton.

WHEREAS it is expedient in the best interests of the growers of cotton in certain areas in the Presidency of Madras, the cotton trade and the economic prosperity of the said Presidency, to maintain the quality and reputation of the cotton grown in those areas and for that purpose to prohibit the cultivation of pulichai cotton and the mixing of such cotton with other cotton and to prohibit or restrict the possession or use of, or the trade in, pulichai cotton or cotton mixed with pulichai cotton;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

hort title and extent.

1. (1) This Act may be called THE MADRAS COTTON CONTROL ACT, 1932.

(2) It extends to the whole of the Presidency of Madras.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(a) "cotton" means cotton plant, ginned and unginned cotton, cotton waste and cotton seed;

(b) "notified area" means an area specified in a notification under section 3; and

(c) "pulichai cotton" means the kind of cotton known as *G. neglectum var. roseum.*

3. The Local Government may, by notification in the *Fort St. George Gazette*, in such local area and for such period as may be specified in the notification— Power of Local Government to issue notification prohibiting the cultivation, etc., of pulichai cotton.

(a) prohibit the cultivation of pulichai cotton; or

(b) prohibit the mixing of pulichai cotton with any other kind of cotton; or

(c) prohibit or restrict the possession or use of, or the trade in, pulichai cotton or cotton mixed with pulichai cotton.

4. Whoever, in contravention of any notification under section 3— Penalties.

(a) cultivates pulichai cotton, or

(b) mixes pulichai cotton with any other kind of cotton, or

(c) possesses, uses or trades in pulichai cotton or any cotton mixed with pulichai cotton

shall be punishable with fine which may extend to twenty rupees and upon any subsequent conviction with fine which may extend to fifty rupees.

5. (1) Any officer authorized in this behalf by the Local Government may between the hours of 6 A.M. and 6 P.M.— Power of entry and seizure.

(a) enter upon any land in a notified area in which he knows or suspects that pulichai cotton is being cultivated in contravention of a notification under section 3, uproot or cause to be uprooted such cotton, and seize the cotton so uprooted; and

(b) enter upon or into any land, building, vessel or place in a notified area in which he knows or suspects that pulichai cotton or any cotton mixed with pulichai cotton is kept in contravention of a notification under section 3, and seize such cotton.

(2) Every officer seizing any cotton under this section shall forthwith—

(a) make a report of such seizure to the Magistrate having jurisdiction to try the offence committed in respect of such cotton, together with particulars of such cotton and furnish a copy of such particulars to the occupier of the land, building, vessel or place on or in which such seizure was made, and

(*b*) subject to such rules as the Local Government may prescribe, forward such cotton to the nearest officer authorized by the Local Government to receive it, for examination and report to the Director of Agriculture, Madras.

(3) The opinion of the authorized officer referred to in clause (*b*) of sub-section (2), contained in any document signed by such officer regarding the cotton sent to him for examination under that clause, may be used as evidence as to the nature of such cotton, in any inquiry, trial or proceeding under this Act.

Duty of owner and occupier to give facilities for inspection by authorized officer.

6. (1) Every owner or occupier of any land, building, vessel or place shall give all reasonable facilities to any officer authorized under sub-section (1) of section 5 to inspect such land, building, vessel or place.

(2) Whoever commits a breach of the provisions of sub-section (1) shall be punishable with fine which may extend to twenty rupees.

Previous sanction and limitation for prosecution.

7. No prosecution for an offence made punishable by this Act or any rule made thereunder shall be instituted—

(*i*) without the previous sanction of the Director of Agriculture, Madras, or

(*ii*) after six months from the date of the commission of the offence.

Cognizance of offences.

8. No offence made punishable by this Act or any rule made thereunder shall be inquired into or tried by any Court inferior to that of a Presidency Magistrate or a Magistrate of the second class.

Indemnity.

9. No suit, prosecution or other legal proceeding whatever shall be entertained in any court against any person for anything in good faith done or intended to be done in pursuance or execution of this Act.

Rules.

10. (1) The Local Government may, by notification in the *Fort St. George Gazette*, make rules consistent with this Act to carry into effect the purposes thereof.

(2) In making any rule, the Local Government may provide that a breach thereof shall be punishable with fine which may extend to twenty rupees.

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